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Neuadd y Cyngor
Y Rhadyr
Brynbuga
NP15 1GA

22 Ebrill 2016

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 3ydd Mai, 2016 at 2.00 yh,
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

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Paul Matthews

Prif Weithredwr

CYNGOR SIR FYNWY

MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

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

Gwybodaeth Gyhoeddus

Bydd rhaid i unrhyw person sydd eisiau siarad yn Y Pwyllgor Cynllunio cofrestru gyda Gwasanaethau Democrataidd erbyn hanner dydd ar diwrnod cyn y cyfarfod. Mae manylion ynglŷn a siarad yn cyhoeddus ar gael tu fewn l'r agenda neu yma [Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio](#)

Mynediad i gopiâu papur o agendâu ac adroddiadau

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

Edrych ar y cyfarfod ar-lein

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Y Gymraeg

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

Diben

Diben yr adroddiadau a atodir a'r cyflwyniad cysylltiedig gan swyddogion i'r Pwyllgor yw galluogi'r Pwyllgor Cynllunio i wneud penderfyniad ar bob cais yn y rhestr a atodir, ar ôl pwysu a mesur y gwahanol ystyriaethau cynllunio perthnasol.

Dirprwywyd pwerau i'r Pwyllgor Cynllunio wneud penderfyniadau ar geisiadau cynllunio. Mae'r adroddiadau a gynhwysir yn yr atodlen yma'n asesu'r datblygiad arfaethedig yn erbyn polisi cynllunio perthnasol ac ystyriaethau cynllunio eraill perthnasol, a rhoi ystyriaeth i'r holl ymatebion ymgynghori a dderbyniwyd. Daw pob adroddiad i ben gydag argymhelliad swyddog i'r Pwyllgor Cynllunio ar p'un ai yw swyddogion yn ystyried y dylid rhoi caniatâd cynllunio (gydag awgrym am amodau cynllunio lle'n briodol) neu ei wrthod (gydag awgrymiadau am resymau dros wrthod).

Dan Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004, mae'n rhaid i bob cais cynllunio gael eu penderfynu yn unol â Chynllun Datblygu Lleol Sir Fynwy 2011-2021 (a fabwysiadwyd yn Chwefror 2014), os nad yw ystyriaethau cynllunio perthnasol yn awgrymu fel arall.

Disgwylir i'r holl benderfyniadau a wneir fod o fudd i'r Sir a'n cymunedau drwy ganiatáu datblygu ansawdd da yn y lleoliadau cywir, ac ymwrthod â datblygiad amhriodol, ansawdd gwael neu yn y lleoliad anghywir. Mae cysylltiad uniongyrchol i amcan y Cyngor o adeiladu cymunedau cryf a chynaliadwy.

Gwneud penderfyniadau

Gellir cytuno ar geisiadau yn rhwym ar amodau cynllunio. Mae'n rhaid i amodau gyflawni'r holl feini prawf dilynol:

- Angenrheidiol i wneud y datblygiad arfaethedig yn dderbyniol;
- Perthnasol i ddeddfwriaeth cynllunio (h.y. ystyriaeth cynllunio);
- Perthnasol i'r datblygiad arfaethedig dan sylw;
- Manwl;
- Gorfodadwy; a
- Rhesymol ym mhob cyswllt arall.

Gellir cytuno i geisiadau yn amodol ar gyfundeb cyfreithiol dan Adran 106 Deddf Cynllunio Tref a Gwlad 1990 (fel y'i diwygiwyd). Mae hyn yn sicrhau goblygiadau cynllunio i wrthbwysu effeithiau'r datblygiad arfaethedig. Fodd bynnag, mae'n rhaid i'r goblygiadau cynllunio hyn gyflawni'r holl feini prawf dilynol er mwyn iddynt fod yn gyfreithlon:

- Angenrheidiol i wneud y datblygiad yn dderbyniol mewn termau cynllunio;
- Uniongyrchol gysylltiedig â'r datblygiad; ac
- Wedi cysylltu'n deg ac yn rhesymol mewn maint a math i'r datblygiad.

Mae gan yr ymgeisydd hawl apelio statudol yn erbyn gwrthod caniatâd yn y rhan fwyaf o achosion, neu yn erbyn gosod amodau cynllunio, neu yn erbyn methiant y Cyngor i benderfynu ar gais o fewn y cyfnod statudol. Nid oes unrhyw hawl apelio trydydd parti yn erbyn penderfyniad.

Gall y Pwyllgor Cynllunio wneud argymhellion sy'n groes i argymhelliad y swyddog. Fodd bynnag, mae'n rhaid rhoi rhesymau am benderfyniadau o'r fath ac mae'n rhaid i'r penderfyniad fod yn seiliedig ar y Cynllun Datblygu Lleol (LDP) a/neu ystyriaethau cynllunio perthnasol. Pe byddai penderfyniad o'r fath yn cael ei herio mewn apêl, bydd yn ofynnol i Aelodau Pwyllgor amddiffyn eu penderfyniad drwy'r broses apêl.

Prif gyd-destun polisi

Mae'r LDP yn cynnwys y prif bolisiâu datblygu a dylunio. Yn hytrach nag ail-adrodd y rhain ar gyfer pob cais, caiff y geiriad llawn ei osod islaw er cymorth Aelodau.

Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd

Dylai datblygiad, yn cynnwys cynigion ar gyfer adeiladau newydd, estyniadau i adeiladau presennol a hysbysebion roi ystyriaeth i breifatrwydd, amwynder ac iechyd defnyddwyr adeiladau cyfagos. Ni chaniateir cynigion datblygu a fyddai'n achosi neu'n arwain at risg/niwed annerbyniol i amwynder lleol, iechyd, cymeriad/ansawdd cefn gwlad neu fuddiannau cadwraeth natur, tirlun neu bwysigrwydd treftadaeth adeiledig oherwydd y dilynol, os na fedrir dangos y gellir cymryd mesurau i oresgyn unrhyw risg sylweddol:

- Llygredd aer;
- Llygredd golau neu sŵn;
- Llygredd dŵr;
- Halogiad;
- Ansefydlogrwydd tir; neu
- Unrhyw risg a ddyndwyd i iechyd neu ddiogelwch y cyhoedd.

Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

Dylai pob datblygiad fod o ddyluniad cynaliadwy ansawdd uchel a pharchu cymeriad lleol a nodweddion neilltuol amgylchedd adeiledig, hanesyddol a naturiol Sir Fynwy. Bydd yn ofynnol i gynigion datblygu:

- a) Sicrhau amgylchedd diogel, dymunol a chyfleus sy'n hygyrch i bob aelod o'r gymuned, yn cefnogi egwyddorion diogelwch y gymuned ac yn annog cerdded a seiclo;
- b) Cyfrannu tuag at naws o le wrth sicrhau fod maint y datblygiad a'i ddwyyster yn gydnaws gyda defnyddiau presennol;
- c) Parchu ffurf, maint, lleoliad, casglu, deunyddiau a gweddllun ei osodiad ac unrhyw adeiladau cyfagos o ansawdd;
- d) Cynnal lefelau rhesymol o breifatrwydd ac amwynder defnyddwyr adeiladau cyfagos, lle'n berthnasol;
- e) Parchu'r golygfeydd adeiledig a naturiol lle maent yn cynnwys nodweddion hanesyddol a/neu amgylchedd adeiledig neu dirlun deniadol neu neilltuol;
- f) Defnyddio technegau adeiladu, addurniad, arddulliau a golau i wella ymddangosiad y cynnig gan roi ystyriaeth i wead, lliw, patrwm, cadernid a saerniaeth mewn defnyddio deunyddiau;
- g) Ymgorffori a, lle'n bosibl, wella nodweddion presennol sydd o werth hanesyddol, gweledol neu gadwraeth natur a defnyddio'r traddodiad brodorol lle'n briodol;
- h) Cynnwys cynigion tirlun ar gyfer adeiladau newydd a defnyddiau tir fel eu bod yn integreiddio i'w hamgylchiadau, gan roi ystyriaeth i ymddangosiad y tirlun presennol a'i gymeriad cynhenid, fel y'i diffinnir drwy broses LANDMAP. Dylai tirlunio roi ystyriaeth i, a lle'n briodol gadw, coed a gwrychoedd presennol;
- i) Gwneud y defnydd mwyaf effeithiol o dir sy'n gydnaws gyda'r meini prawf uchod, yn cynnwys y dylai isafswm dwysedd net datblygiad preswyl fod yn 30 annedd fesul hectar, yn amodol ar faen prawf l) islaw;
- j) Sicrhau dyluniad sy'n ymateb i'r hinsawdd ac effeithiol o ran adnoddau. Dylid rhoi ystyriaeth i leoliad, cyfeiriadu, dwysedd, gweddllun, ffurf adeiledig a thirlunio ac i effeithiolrwydd ynni a defnyddio ynni adnewyddadwy, yn cynnwys deunyddiau a thechnoleg;
- k) Meithrin dylunio cynhwysol;
- l) Sicrhau y caiff ardaloedd preswyl presennol a nodweddir gan safonau uchel o breifatrwydd ac ehangder eu gwarchod rhag gor-ddatblygu a mewnlenni ansensitif neu amhriodol.

Cyfeirir at bolisiau perthnasol allweddol eraill yr LDP yn adroddiad y swyddog.

Canllawiau Cynllunio Atodol (SPG):

Gall y Canllawiau Cynllunio Atodol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio perthnasol:

- Seilwaith Gwyrdd (mabwysiadwyd Ebrill 2015)
- Canllawiau Dylunio Trosi Adeiladau Amaethyddol (mabwysiadwyd Ebrill 2015)
- Polisi H4(g) LDP Trosi/Adfer Adeiladau yng Nghefn Gwlad i Ddefnydd Preswyl - Asesu Ail-dddefnydd ar gyfer Dibenion Busnes (mabwysiadwyd Ebrill 2015)
- Polisiâu H5 a H6 LDP Anheddau yn Lle ac Ymestyn Anheddau Gwledig yng Nghefn Gwlad (mabwysiadwyd Ebrill 2015)

- Arfarniad Ardal Cadwraeth Trellech (Ebrill 2012)
- Garejys Domestig (mabwysiadwyd Ionawr 2013)
- Safonau Parcio Sir Fynwy (mabwysiadwyd Ionawr 2013)
- Ymagwedd at Oblygiadau Cynllunio (Mawrth 2013)
- Drafft Tai Fforddiadwy (Gorffennaf 2015)
- Drafft Ynni Adnewyddadwy ac Effeithiolrwydd Ynni (Rhagfyr 2014)
- Drafft Nodyn Cyngor Cynllunio ar Asesu Tirlun Datblygu ac Effaith Gweledol Tyrbinau Gwynt
- Drafft Prif Wynebau Siopau (Mehafin 2015)

Polisi Cynllunio Cyhoeddus

Gall y polisi cynllunio cenedlaethol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio berthnasol:

- Polisi Cynllunio Cymru (PPW) Rhifyn 8 (Ionawr 2016)
- Nodiadau Cyngor Technegol (TAN) PPW:
- TAN 1: Cydastudiaethau Argaeledd Tir Tai (2014)
- TAN 2: Cynllunio a Thai Fforddiadwy (2006)
- TAN 3: Symleiddio Parthau Cynllunio (1996)
- TAN 4: Manwerthu a Chanol Trefi (1996)
- TAN 5: Cadwraeth Natur a Chynllunio (2009)
- TAN 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)
- TAN 7: Rheoli Hysbysebion Awyr Agored (1996)
- TAN 8: Ynni Adnewyddadwy (2005)
- TAN 9: Gorfodaeth Rheoli Adeiladu (1997)
- TAN 10: Gorchmynion Cadwraeth Coed (1997)
- TAN 11: Sŵn (1997)
- TAN 12: Dylunio (2014)
- TAN 13: Twristiaeth (1997)
- TAN 14: Cynllunio Arfordirol (1998)
- TAN 15: Datblygu a Risg Llifogydd (2004)
- TAN 16: Chwaraeon, Hamdden a Gofodau Agored (2009)
- TAN 18: Trafnidiaeth (2007)
- TAN 19: Telathrebu (2002)
- TAN 20: Y Gymraeg (2013)
- TAN 21: Gwastraff (2014)
- TAN 23: Datblygu Economaidd (2014)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 1: Agregau (30 Mawrth 2004)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 2: Glo (20 Ionawr 2009)
- Cylchlythyr Llywodraeth Cymru 016/2014 ar amodau cynllunio

Materion eraill

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

Deddf Cynllunio (Cymru) 2016

Daeth Adrannau 11 a 31 y Ddeddf Cynllunio i rym yn Ionawr 2016 yn golygu fod y Gymraeg yn ystyriaeth cynllunio berthnasol. Mae Adran 11 yn ei gwneud yn ofynnol i'r gwerthusiad cynaliadwyedd, a gymerir wrth baratoi LDP, gynnwys asesiad o effeithiau tebygol y cynllun ar ddefnydd y Gymraeg yn y gymuned. Lle mae cynllun integredig sengl yr awdurdod wedi dynodi bod y Gymraeg yn flaenoriaeth, dylai'r asesiad fedru dangos y cysylltiad rhwng yr ystyriaeth ar gyfer y Gymraeg a'r prif arfarniad cynaliadwyedd ar gyfer yr LDP, fel y'i nodir yn TAN 20.

Mae Adran 31 y Ddeddf Cynllunio yn egluro y gall awdurdodau cynllunio gynnwys ystyriaethau yn ymwneud â'r defnydd o'r Gymraeg wrth wneud penderfyniadau ar geisiadau am ganiatâd cynllunio, cyn belled ag mae'n berthnasol i'r Gymraeg. Nid yw'r darpariaethau yn rhoi unrhyw bwysiad ychwanegol i'r Gymraeg o gymharu ag ystyriaethau perthnasol eraill. Mater i'r awdurdod cynllunio lleol yn llwyr yw p'un ai yw'r Gymraeg yn ystyriaeth berthnasol mewn unrhyw gais cynllunio, a

dylai'r penderfyniad p'un ai i roi ystyriaeth i faterion y Gymraeg gael ei seilio ar yr ystyriaeth a roddwyd i'r Gymraeg fel rhan o broses paratoi'r LDP.

Cynhaliwyd gwerthusiad cynaliadwyedd ar Gynllun Datblygu Lleol (LDP) Sir Fynwy a fabwysiadwyd yn 2014, gan roi ystyriaeth i'r ystod lawn o ystyriaethau cymdeithasol, amgylcheddol ac economaidd, yn cynnwys y Gymraeg. Cyfran cymharol fach o boblogaeth Sir Fynwy sy'n siarad, darllen neu ysgrifennu Cymraeg o gymharu gydag awdurdodau lleol eraill yng Nghymru ac ni ystyriwyd fod angen i'r LDP gynnwys polisi penodol ar y Gymraeg. Roedd casgliad yr asesiad am effeithiau tebygol y cynllun ar y defnydd o'r Gymraeg yn y gymuned yn fach iawn.

Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

Mae Rheoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Lloegr a Chymru) 1999 fel y'i diwygiwyd gan Reoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Diwygiad) 2008 yn berthnasol i'r argymhellion a wnaed. Bydd y swyddog yn tynnu sylw at hynny pan gyflwynwyd Datganiad Amgylcheddol gyda chais.

Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

Lle aseswyd bod safe cais yn safle bridio neu glwydo ar gyfer rhywogaethau Ewropeaidd a warchodir, bydd angen fel arfer i'r datblygydd wneud cais am "randdirymiad" (trwydded datblygu) gan Cyfoeth Naturiol Cymrau. Mae pob rhywogaeth o ystumod, pathwod a madfallod cribog mawr yn enghreifftiau o'r rhywogaethau gwarchodedig hyn. Wrth ystyried ceisiadau cynllunio mae'n ofynnol i Gyngor Sir Fynwy fel awdurdod cynllunio lleol roi ystyriaeth i Reoliadau Cadwraeth Rhywogaethau a Chynefinoedd 20120 (y Rheoliadau Cynefinoedd) ac i'r ffaith mai dim ond lle cyflawnir tri phrawf a nodir yn Erthygl 16 y Gyfarwydddeb Cynefinoedd y caniateir rhanddirymiaid. Caiff y tri phrawf eu nodi islaw.

(i) Mae'r rhanddirymiad er budd iechyd a diogelwch y cyhoedd, neu am resymau hanfodol eraill o ddiddordeb pennaf i'r cyhoedd, yn cynnwys rhai o natur economaidd a chanlyniadau buddiol o bwysigrwydd sylfaenol i'r amgylchedd.

(ii) Nad oes dewis arall boddhaol.

(iii) Nad yw'r rhanddirymiad yn niweidiol i gynnal y boblogaeth o'r rhywogaeth dan sylw drwy statws cadwraeth ffafriol yn eu hardal naturiol.

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

Nod y Ddeddf yw gwella llesiant cymdeithasol, economaidd, amgylcheddol a diwylliannol Cymru. Mae'r Ddeddf yn gosod nifer o amcanion llesiant

- **Cymru lewyrchus;** defnydd effeithiol o adnoddau, pobl fedrus ac addysgedig, cynhyrchu cyfoeth, darparu swyddi;
- **Cymru gref;** cynnal a chyfoethogi bioamrywiaeth ac ecosystemau sy'n cefnogi hynny ac a all addasu i newid (e.e. newid yn yr hinsawdd);
- **Cymru iachach;** cynyddu llesiant corfforol a meddyliol pobl i'r eithaf a deall effeithiau iechyd;
- **Cymru o gymunedau cydlynol:** cymunedau yn ddeniadol, hyfyw, diogel a gyda chysylltiadau da.
- **Cymru sy'n gyfrifol yn fyd-eang:** rhoi ystyriaeth i effaith ar lesiant byd-eang wrth ystyried llesiant cymdeithasol, economaidd ac amgylcheddol lleol;
- **Cymru gyda diwylliant egniïol a'r iaith Gymraeg yn ffynnu:** caiff diwylliant, treftadaeth a'r Gymraeg eu hyrwyddo a'u diogelu. Caiff pobl eu hannog i gymryd rhan mewn chwaraeon, celf a hamdden;
- **Cymru fwy cyfartal:** gall pobl gyflawni eu potensial beth bynnag yw eu cefndir neu amgylchiadau.

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

- **Hirdymor:** cydbwyso angen tymor byr gyda'r hirdymor a chynllunio ar gyfer y dyfodol;
- **Cydweithio:** cydweithio gyda phartneriaid eraill i gyflawni amcanion;
- **Ymggyfraniad:** cynnwys y rhai sydd â diddordeb a gofyn am eu barn;
- **Atal:** rhoi adnoddau i ateb problemau rhag digwydd neu waethygu;
- **Integreiddio:** cael effaith gadarnhaol ar bobl, yr economi a'r amgylchedd a cheisio bod o fudd i bob un o'r tri.

Mae'r gwaith a wneir gan awdurdod cynllunio lleol yn cysylltu'n uniongyrchol â hyrwyddo a sicrhau datblygu cynaliadwy ac yn anelu i sicrhau cydbwysedd rhwng y tri maes: amgylchedd, economi a chymdeithas.

Trefn Troseddu ac Anrhefn 1998

Mae Adran 17(1) Deddf Troseddu ac Anrhefn 1998 yn gosod dyletswydd ar awdurdod lleol i weithredu ei wahanol swyddogaethau gan roi ystyriaeth ddyledus i effaith debygol gweithredu'r swyddogaethau hynny ar, a'r angen i wneud popeth y gall ei wneud yn rhesymol i atal troseddu ac anrhefn yn ei ardal. Gall troseddu ac ofn troseddu fod yn ystyriaeth cynllunio berthnasol. Tynnir sylw at y pwnc hwn yn adroddiad y swyddog lle mae'n ffurfio ystyriaeth sylweddol ar gyfer cynnig.

Deddf Cydraddoldeb 2010

Mae Deddf Cydraddoldeb 2010 yn cynnwys dyletswydd cydraddoldeb sector cyhoeddus i integreiddio ystyriaeth cydraddoldeb a chysylltiadau da ym musnes rheolaidd awdurdodau cyhoeddus. Mae'r Ddeddf yn dynodi nifer o 'nodweddion gwarchoddedig': oedran, anabledd, aillbennu rhywedd; priodas a phartneriaeth sifil; hil; crefydd neu gredo; rhyw; a chyfeiriadedd rhywiol. Bwriedir i gydymffurfiaeth arwain at benderfyniadau a wnaed ar sail gwybodaeth well a datblygu polisi a gwasanaethau sy'n fwy effeithlon ar gyfer defnyddwyr. Wrth weithredu ei swyddogaethau, mae'n rhaid i'r Cyngor roi ystyriaeth ddyledus i'r angen i: ddileu gwahaniaethu anghyfreithlon, aflonyddu, erledigaeth ac ymddygiad arall a gaiff ei wahardd gan y Ddeddf; hybu cyfle cyfartal rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt; a meithrin cysylltiadau da rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt. Mae rhoi ystyriaeth ddyledus i hyrwyddo cydraddoldeb yn cynnwys: dileu neu leihau anfanteision a ddioddefir gan bobl oherwydd eu nodweddion gwarchoddedig; cymryd camau i ddiwallu anghenion o grwpiau gwarchoddedig lle mae'r rhain yn wahanol i anghenion pobl eraill; ac annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Mesur Plant a Theuluoedd (Cymru)

Mae ymgynghoriad ar geisiadau cynllunio yn agored i'n holl ddinasyddion faint bynnag eu hoed; ni chynhelir unrhyw ymgynghoriad wedi'i dargedu a anelwyd yn benodol at blant a phobl ifanc. Yn dibynnu ar faint y datblygiad arfaethedig, rhoddir cyhoeddusrwydd i geisiadau drwy lythyrau i feddianwyr cyfagos, hysbysiadau safle, hysbysiadau yn y wasg a/neu gyfryngau cymdeithasol. Nid yw'n rhaid i bobl sy'n ymateb i ymgynghoriadau roi eu hoedran nac unrhyw ddata personol arall, ac felly ni chaiff y data yma ei gadw na'i gofnodi mewn unrhyw ffordd, ac ni chaiff ymatebion eu gwahanu yn ôl oedran.

Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio

Dim ond yn llwyr yn unol â'r protocol hwn y caniateir cyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio. Ni allwch fynnu siarad mewn Pwyllgor fel hawl. Mae'r gwahoddiad i siarad a'r ffordd y cynhelir y cyfarfod ar ddisgresiwn Cadeirydd y Pwyllgor Cynllunio ac yn amodol ar y pwyntiau a nodir islaw.

Pwy all siarad

Cynghorau Cymuned a Thref

Gall cynghorau cymuned a thref annerch y Pwyllgor Cynllunio. Dim ond aelodau etholedig cynghorau cymuned a thref gaiff siarad. Disgwylir i gynrychiolwyr gydymffurfio â'r egwyddorion dilynol: -

(i) Cydymffurfio â Chod Cenedlaethol Ymddygiad Llywodraeth Leol. (ii) Peidio cyflwyno gwybodaeth nad yw'n:

- gyson gyda sylwadau ysgrifenedig eu cyngor, neu
 - yn rhan o gais, neu
 - wedi ei gynnwys yn yr adroddiad neu ffeil cynllunio.

Aelodau'r Cyhoedd

Cyfyngir siarad i un aelod o'r cyhoedd yn gwrthwynebu datblygiad ac un aelod o'r cyhoedd yn cefnogi datblygiad. Lle mae mwy nag un person yn gwrthwynebu neu'n cefnogi, dylai'r unigolion neu grwpiau gydweithio i sefydlu llefarydd. Gall Cadeirydd y Pwyllgor weithredu disgresiwn i ganiatáu ail siaradwr ond dim ond mewn amgylchiadau eithriadol lle mae cais sylweddol yn ysgogi gwahanol safbwyntiau o fewn un 'ochr' y ddadl (e.e. cais archfarchnad lle mae un llefarydd yn cynrychioli preswylwyr ac un arall yn cynrychioli manwerthwyr lleol). Gall aelodau'r cyhoedd benodi cynrychiolwyr i siarad ar eu rhan.

Lle na ddeuir i gytundeb, bydd yr hawl i siarad yn mynd i'r person/sefydliad cyntaf i gofrestru eu cais. Lle mae'r gwrthwynebydd wedi cofrestru i siarad caiff yr ymgeisydd neu asiant yr hawl i ymateb.

Cyfyngir siarad i geisiadau lle cyflwynwyd llythyrau gwrthwynebu/cefnogaeth neu lofnodion ar ddeiseb i'r Cyngor gan 5 neu fwy o aelwydydd/sefydliadau gwahanol. Gall y Cadeirydd weithredu disgresiwn i ganiatáu siarad gan aelodau o'r cyhoedd lle gallai cais effeithio'n sylweddol ar ardal wledig prin ei phoblogaeth ond y derbyniwyd llai na 5 o lythyr yn gwrthwynebu/cefnogi.

Ymgeiswyr

Bydd gan ymgeiswyr neu eu hasiantau a benodwyd hawl ymateb lle mae aelodau'r cyhoedd neu gyngor cymuned/tref yn annerch pwyllgor. Fel arfer dim ond ar un achlysur y caniateir i'r cyhoedd siarad pan gaiff ceisiadau eu hystyried gan Bwyllgor Cynllunio. Pan ohirir ceisiadau ac yn arbennig pan gânt eu hailgyflwyno yn dilyn penderfyniad pwyllgor i benderfynu ar gais yn groes i gyngor swyddog, ni chaniateir i'r cyhoedd siarad fel arfer. Fodd bynnag bydd yn rhaid ystyried amgylchiadau arbennig ar geisiadau a all gyfiawnhau eithriad.

Cofrestru Cais i Siarad

I gofrestru cais i siarad, mae'n rhaid i wrthwynebwyr/cefnogwyr yn gyntaf fod wedi gwneud sylwadau ysgrifenedig ar y cais. Mae'n rhaid iddynt gynnwys eu cais i siarad gyda'u sylwadau neu ei gofrestru wedyn gyda'r Cyngor.

Caiff ymgeiswyr, asiantau a gwrthwynebwyr eu cynghori i aros mewn cysylltiad gyda'r swyddog achos am ddatblygiadau ar y cais. Cyfrifoldeb y rhai sy'n dymuno siarad yw gwirio os yw'r cais i gael ei ystyried gan y Pwyllgor Cynllunio drwy gysylltu â'r Swyddog Cynllunio, a all roi manylion o'r dyddiad tebygol ar gyfer clywed y cais. Caiff y drefn ar gyfer cofrestru'r cais i siarad ei nodi islaw.

Mae'n rhaid i unrhyw un sy'n dymuno siarad hysbysu Swyddogion Gwasanaethau Democraidd y Cyngor drwy ffonio 01633 644219 neu drwy e-bost i registertospeak@monmouthshire.gov.uk. Caiff unrhyw geisiadau i siarad a gaiff eu e-bostio eu cydnabod cyn y dyddiad cau ar gyfer cofrestru i

siarad. Os nad ydych yn derbyn cydnabyddiaeth cyn y dyddiad cau, cysylltwch â Gwasanaethau Democrataidd ar 01633 644219 i wirio y cafodd eich cais ei dderbyn.

Mae'n rhaid i siaradwyr wneud hyn cyn gynted ag sydd modd, rhwng 12 canol dydd ar y dydd Mercher a 12 canol dydd ar y dydd Llun cyn y Pwyllgor. Gofynnir i chi adael rhif ffôn y gellir cysylltu â chi yn ystod y dydd.

Bydd y Cyngor yn cadw rhestr o bobl sy'n dymuno siarad yn y Pwyllgor Cynllunio.

Gweithdrefn yng Nghyfarfod y Pwyllgor Cynllunio

Dylai pobl sydd wedi cofrestru i siarad gyrraedd ddim hwyrach na 15 munud cyn dechrau'r cyfarfod. Bydd swyddog yn cynghori ar drefniadau seddi ac yn ateb ymholiadau. Caiff y weithdrefn ar gyfer delio gyda siarad gan y cyhoedd ei osod islaw:

- Bydd y Cadeirydd yn nodi'r cais i'w ystyried.
- Bydd swyddog yn cyflwyno crynodeb o'r cais a materion yn ymwneud â'r argymhelliad
- Os nad yw'r aelod lleol ar y Pwyllgor Cynllunio, bydd y Cadeirydd yn ei (g)wahodd i siarad am ddim mwy na 6 munud
- Yna bydd y Cadeirydd yn gwahodd cynrychiolydd y cyngor cymuned neu dref i siarad am ddim mwy na 4 munud.
- Bydd y Cadeirydd wedyn yn gwahodd yr ymgeisydd neu asiant a benodwyd (os yn berthnasol) i siarad am ddim mwy na 4 munud. Lle mae mwy na un person neu sefydliad yn siarad yn erbyn cais, ar ddisgresiwn y Cadeirydd bydd gan yr ymgeisydd neu'r asiant a benodwyd hawl i siarad am ddim mwy na 5 munud.
- Fel arfer cydymffurfir yn gaeth â chyfyngiadau amser, fodd bynnag bydd gan y Cadeirydd ddisgresiwn i addasu'r amser gan roi ystyriaeth i amgylchiadau'r cais neu'r rhai sy'n siarad.
- Dim ond unwaith y gall siaradwyr siarad.
- Bydd aelodau'r Pwyllgor Cynllunio wedyn yn trafod y cais, gan ddechrau gydag aelod lleol o'r Pwyllgor Cynllunio.
- Bydd y swyddogion yn ymateb i'r pwyntiau a godir os oes angen.
- Yn union cyn i'r mater gael ei roi i'r bleidlais, gwahoddir yr aelod lleol i grynhoi, gan siarad am ddim mwy na 2 funud.
- Ni all cynrychiolydd y cyngor cymuned neu dref neu wrthwynebydd/cefnogwyr neu'r ymgeisydd/asiant gymryd rhan yn ystyriaeth aelodau o'r cais ac ni allant ofyn cwestiynau os nad yw'r cadeirydd yn eu gwahodd i wneud hynny.
- Lle mae gwrthwynebydd/cefnogwr, ymgeisydd/asiant neu gyngor cymuned/tref wedi siarad ar gais, ni chaniateir unrhyw siarad pellach gan neu ar ran y grŵp hwnnw pe byddai'r cais yn cael ei ystyried eto mewn cyfarfod o'r pwyllgor yn y dyfodol heblaw y bu newid sylweddol yn y cais.
- Ar ddisgresiwn y Cadeirydd, gall y Cadeirydd neu aelod o'r Pwyllgor yn achlysurol geisio eglurhad ar bwynt a wnaed.
- Mae penderfyniad y Cadeirydd yn derfynol.
- Wrth gynnig p'un ai i dderbyn argymhelliad y swyddog neu i wneud diwygiad, bydd yr aelod sy'n gwneud y cynnig yn nodi'r cynnig yn glir.
- Pan gafodd y cynnig ei eilio, bydd y Cadeirydd yn dweud pa aelodau a gynigiodd ac a eiliodd y cynnig ac yn ailadrodd y cynnig a gynigwyd. Caiff enwau'r cynigydd a'r eilydd eu cofnodi.
- Bydd aelod yn peidio pleidleisio yng nghyswllt unrhyw gais cynllunio os na fu'n bresennol drwy gydol cyfarfod y Pwyllgor Cynllunio, y cyflwyniad llawn ac ystyriaeth y cais neilltuol hwnnw.
- Bydd unrhyw aelod sy'n ymatal rhag pleidleisio yn ystyried p'un ai i roi rheswm dros ei (h)ymatal.
- Bydd swyddog yn cyfrif y pleidleisiau ac yn cyhoeddi'r penderfyniad.

Cynnwys yr Arweithiau

Dylai sylwadau gan gynrychiolydd y cyngor tref/cymuned neu wrthwynebydd, cefnogwr neu ymgeisydd/asiant gael eu cyfyngu i faterion a godwyd yn eu sylwadau gwreiddiol a bod yn faterion cynllunio perthnasol. Mae hyn yn cynnwys:

- Polisiâu cynllunio cenedlaethol a lleol perthnasol
- Ymddangosiad a chymeriad y datblygiad, gweddllun a dwysedd

- Cynhyrchu traffig, diogelwch priffordd a pharcio/gwasanaethu;
- Cysgodi, edrych dros, ymyriad sŵn, aroglau neu golled arall amwynder.

Dylai siaradwyr osgoi cyfeirio at faterion y tu allan i gylch gorchwyl y Pwyllgor Cynllunio, megis:

- Anghydfod ffiniau, cyfamodau a hawliau eraill eiddo
- Sylwadau personol (e.e. cymhellion neu gamau gweithredu'r ymgeisydd hyd yma neu am aelodau neu swyddogion)
- Hawliau i olygfeydd neu ddibrisiant eiddo.

Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 12th April, 2016 at 2.00 pm**

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

County Councillors: D. Dovey, D. Evans, R. Harris, B. Hayward,
J. Higginson, P. Murphy, M. Powell, B. Strong, F. Taylor, A. Webb
and A. Wintle

County Councillor G. Burrows attended the meeting by invitation of
the Chairman.

County Councillor A.E. Webb left the meeting following determination
of the Monmouthshire Local Development Plan Supplementary
Planning Guidance Primary Shopping Frontages report and before
consideration of the Planning Inspectorate – New Appeals report
was considered.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning
Philip Thomas	Development Services Manager
Paula Clarke	Planning Applications and Enforcement Manager
Robert Tranter	Head of Legal Services & Temporary Monitoring Officer
Richard Williams	Democratic Services Officer
Jane Coppock	Planning Policy Manager
Rachel Lewis	Principal Planning Policy Officer
Shirley Wiggam	Senior Strategy & Policy Officer

APOLOGIES:

Councillors D. Blakebrough, D. Edwards and P. Watts

1. Declarations of Interest

County Councillor P.R. Clarke declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01565, as he is a Board Member of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

County Councillor D. Evans declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01565, as he is a Member and tenant of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

County Councillor R.J. Higginson declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01528 due to

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his knowledge of the owner of a property near to the site. He left the meeting taking no part in the discussion or voting thereon.

County Councillor A.E. Webb declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01565, as she is a Board Member of Monmouthshire Housing Association. She left the meeting taking no part in the discussion or voting thereon.

County Councillor A.M. Wintle declared a personal and prejudicial interest under the Members' Code of Conduct in respect of Planning Application DC/2015/01565, as he is a Board Member of Monmouthshire Housing Association. He left the meeting taking no part in the discussion or voting thereon.

2. Confirmation of Minutes

The minutes of the Planning Committee Meeting held on 1st March 2016 were confirmed and signed by the Chairman subject to the following amendment:

Minute 3 – The heading should refer to Llandogo not Llando.

3. PLANNING APPLICATION DC/2015/01303 - CHANGE OF USE FROM DWELLING HOUSE TO RESIDENTIAL CARE HOME FOR UP TO SIX YOUNG PERSONS: HAZELDENE, COMMON ROAD, MITCHEL TROY COMMON

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

Councillor V. Long, representing Mitchel Troy Community Council, attending the meeting by invitation of the Chairman, outlined the following points:

- Vulnerable young people need to be looked after in accordance with their individual needs.
- The issue is whether it is appropriate to have this type of business operating in Hazeldene, Mitchel Troy Common.
- In the access statement with the planning application it states that Monmouthshire County Council does not have any policies to cover conversion of private houses into small care homes, which is unfortunate in respect of this application.
- Even with the lack of planning guidelines, the location does not warrant a residential care home.
- Hazeldene would not be available for local children but for vulnerable children from outside the area.
- In the absence of guidelines in the Local Development Plan, the Community Council has looked at other areas that does have experience in category C

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homes, i.e., residential care homes should be located near to residential areas where there are residential facilities such as shops, health care facilities and public transport. Mitchel Troy Common does not have these facilities.

- The Social Services Department considers that this development would not provide good outcomes for young people.
- Local residents had expressed concern regarding the type of issues that the children might have and the potential detrimental effects upon the area.
- At Hazeldene there are 20 properties opposite the proposed development which is in contrast to the application which states that there are only a few neighbours.
- The property is in two distinct parts, namely, the house and the former garage. Some young people would sleep in the converted garage whilst the others would sleep in the house. Only two staff will be on duty at night, one in each part of the property. This would not seem to be a normal family home arrangement or appropriate to meet the protection of these vulnerable children.
- Hazeldene is not a suitable property for a residential care home.
- The Priory Group is looking for a business opportunity.

Mr. J. Imber, the applicant's agent, attending the meeting by invitation of the Chairman, outlined the following points:

- Seeks change of use to a small residential care home with a maximum of six young people residing there at any one time. No different to a large family home.
- A condition is being recommended by Planning Officers restricting the use of the site solely for the use being applied for.
- The use will not require commercial delivery or large vehicles.
- The home will be registered with the Care Council for Wales and will be required to meet stringent regulatory requirements.
- The property will be staffed at all times including two overnight care staff.
- The residents will be young people with autism, and other learning difficulties. They will not pose a threat to people who live in the local area.
- This will not be a young offenders' home.
- Residents will have a structured programme of education and will often be away from the home being educated or undertaking leisure activities.
- Family visits will often take place off site being pre-arranged.

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- The proposal is in accordance with the Local Development Plan and is supported by Planning Officers.
- Priory Group does understand the concerns of local residents and has tried to allay their fears.
- Comments from the nearest neighbour had indicated that they were impartial to the proposal.
- Experience of similar sites in the area does not give rise to the kinds of concerns that have been expressed.

The local Member for Mitchel Troy, attending the meeting by invitation of the Chairman, outlined the following points:

- Speaking as the local Member and as the Cabinet Member for Social Services with responsibility for both adults and children.
- Grave reservations about the use of this property and for this purpose.
- Assessment of need is very specific as it concentrates on the needs of the individual and the outcomes that they wish for are the Authority's primary challenge.
- The authority aims to provide care for Monmouthshire's young people as close to a family environment as possible.
- Other authorities place beyond their borders many children coming into private care ensconced in Monmouthshire. In most cases we are not informed of these young children when they arrive and frequently only become aware of them when absenteeism occurs from their place of residence. Concerns were expressed regarding the safety of the young people should they abscond from the home onto the busy, fast road that is Common Road.
- There are sparse facilities available at this location and is totally unsuitable as a location for a residential care home.

Having received the report of the application and the views expressed, Members expressed concern that there was very little information via planning guidelines to make an informed decision regarding the application. The Head of Planning advised Members that their decision should be based on the Local Development Plan policies referenced in the report and on material planning considerations, which include the amenities of neighbours and highway safety.

Some Members expressed their reservations in respect of the application and were sympathetic with the views expressed by the local Member, as the proposal was located close to existing residences. Also, concern was expressed regarding the transport arrangements and the effect that this might have on the village. Social Services had

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stated that they were not in support of the application in this location. The residents would not have adequate amenities.

However, other Members, whilst sympathetic to the views that had been expressed, considered that it would be difficult to refuse the application on planning grounds.

It was therefore proposed by County Councillor R. Hayward and seconded by County Councillor B. Strong that we be minded to refuse application DC/2015/01303 for the reasons expressed earlier.

Upon being put to the vote, the following points were noted:

For refusal	-	5
Against refusal	-	8
Abstentions	-	0

The proposition was not carried.

We therefore resolved that application DC/2015/01303 be approved subject to the three conditions, as outlined in the report and that the number of young people to be cared for to be added to condition 3.

4. PLANNING APPLICATION DC/2015/01322 - CONVERSION OF STONE STABLE/ BARN TO A SPECIALIST SCHOOL (USE CLASS D1) AND ASSOCIATED EXTERNAL ALTERATIONS: MONAHAWK BARN, HAZELDENE, COMMON ROAD, MITCHEL TROY COMMON

We considered the report of the application which was recommended for approval subject to the 20 conditions, as outlined in the report.

Councillor V. Long, representing Mitchel Troy Community Council, attending the meeting by invitation of the Chairman, outlined the following points:

- In the Monmouthshire Local Development Plan Mitchel Troy Common is designated as open countryside with a presumption against development.
- In the eyes of local People, Monahawk Barn has been controversial because it was designed to look like a house. The original plans that were given permission in 2005 state the size of the barn to be 47 square metres. The current application states the dimensions as being 149.76 square metres, more than three times bigger than the one for which consent was granted. The Planning Department had stated that this was irrelevant as the barn had been standing for more than four years.
- Common Road has no pedestrian footway and is barely wide enough for two cars to pass. It has a national speed limit of 60 mph.
- A traffic survey indicates that common Road is not a quiet road. In fact, it is a busy road, particularly at peak times.

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- The Community Council has often expressed concern regarding the safety of Common Road and were surprised that the Highways Officer had not made any comments in respect of this application.
- Other teachers and staff will be travelling along this road adding to the potential danger.
- Developments are meant to be sustainable with the presumption of not using cars.
- Access to the public highway must meet the standards of the Highway Authority. Any additional traffic created by the development must be incorporated into the existing road network without detriment to the area or highway safety.
- At the January 2016 meeting with the Priory Group, many residents expressed their fears about road safety at this location.
- Although the Highways Department has asked for the splay to the drive entrance to be widened, there will still be a blind bend to the north.
- Local people are not aware of the gated entrance being used for a number of years because of the sight lines.
- Under Planning Policy H4, the conversion of buildings that are suited to business will not be permitted unless the applicant has made every reasonable attempt to secure other business property. Has the developer satisfied this requirement?
- It is proposed that 50 places will be available at Monmouth Comprehensive School for children with learning difficulties. Has the need for this proposed school in Monmouthshire been proven?
- The application does not provide an open space for the children to exercise.
- The application is not sustainable.

Mr. J. Imber, the applicant's agent, attending the meeting by invitation of the Chairman, outlined the following points:

- The proposed development will provide for additional specialist educational space providing four classrooms.
- The children attending the school will have learning difficulties and will most likely reside in care homes in the local area.
- The school would have to be registered with Estyn and meet stringent regulatory requirements.
- The school will cater for young people with learning difficulties. There is an increasing level of demand for places.

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- Welsh Educational Services are keen for these places to be provided.
- Some children find it easier to be educated in a smaller setting and commissioning authorities are in favour of smaller settings.
- In terms of vehicular activity, the small scale nature of the proposed school means that vehicular movements will not be significant.
- The Highway Authority has no objection to the proposed use.
- The Priory Group has a long standing record of providing schools of this type.
- The proposal is in accordance with the Monmouthshire Local Development Plan.

Having viewed the report of the application and the views expressed, some Members considered that the application should be refused as there were better facilities available within the County and that approval of the application subject to the 20 conditions, as outlined in the report would result in additional traffic movements on Common Road. If approved, the driveway should be made of grasscrete and not gravel.

It was noted that the Wye Valley AONB Officer had submitted no objections to the application.

Other Members expressed their support for the application and it was proposed by County Councillor D.J. Evans and seconded by County Councillor R.J. Higginson that application DC/2015/01322 be approved subject to the 20 conditions, as outlined in the report.

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

For approval	-	4
Against approval	-	8
Abstentions	-	1

The proposition was not carried.

We were therefore minded to refuse application DC/2015/01322 on the following grounds:

- Traffic / impact on highway and pedestrian safety.
- Harm to amenity from increased noise and disturbance associated with the proposal.

The application will be re-presented to a future Planning Committee Meeting with appropriate reasons for refusal.

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5. PLANNING APPLICATION DC/2015/01528 - ERECTION OF A DETACHED DWELLING: GLEN USK MAIN ROAD, UNDY

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

Mr. Beswick, objecting to the application and attending the meeting by invitation of the Chairman, outlined the following points:

- He has lived at No. 8 Rectory Gardens since 1984.
- The proposed dwelling will create a detrimental impact on the residential amenity of neighbouring properties.
- Magor with Undy Community Council has recommended refusal of the application.
- The footprint of the proposed dwelling lies very close to the boundary with No. 8 Rectory Gardens.
- The proposed dwelling will create a domineering / overbearing presence.
- Tree planting might help to alleviate some of the issues.
- Lighter roof tiles rather than the proposed black roof tiles would be preferable so that the proposed dwelling would be more in keeping with the surrounding properties.
- The pitch of the roof needed to be reduced.
- There are road safety concerns. The B4245 is a very busy road where vehicles often exceed the speed limit.
- The objector asked the Planning Committee to consider refusing the application or restrict the development to take into account the concerns of nearby local residents.

Mr. D. Prosser, the applicant's agent, attending the meeting by invitation of the Chairman, outlined the following points:

- The application has been amended in which the height of the proposed dwelling has been lowered and the mass of the proposed dwelling has been reduced.
- The single storey element is more than two metres from the hedge near to number 8 Rectory Gardens. The two storey element being even further away from number 8 Rectory Gardens.
- The proposed dwelling will create less of a visual impact due to the amended application.

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- The proposed development will not be dominating or overbearing.
- The Planning Officer's report addresses the issues raised via the objections to the application. The Planning Officer's assessment has been thorough and on balance, the impact is considered not to be significant.
- A neighbourly proposal has been established.

The adjoining ward Member and Planning Committee Member outlined the following points:

- The visual amenity issue is more significant than stated in the Planning Officer's assessment.
- Local residents have a right to residential amenity. However, this application is harmful to residential amenity as the application runs along the fence line of No. 8 Rectory Gardens.
- Consideration of the application should be deferred to allow Planning Officers to renegotiate with the applicant with a view to re-siting the proposed dwelling within the plot.

Other Members agreed with the adjoining ward Member and discussion was also held regarding the colour of the render, roof slates and whether to re-consult with neighbours if amended plans were received.

Having received the report and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that consideration of application DC/2015/01528 should be deferred to be amended and if revised, permission should be issued via the Delegation Panel with a view to exploring the possibility of moving the proposed dwelling towards Fairfield Court and moving back towards the railway line; specify the colour of the render; change roof slates to those more common in the area and re-consult with neighbours if amended plans were received.

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

For deferral	-	13
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01528 would be deferred to be amended and if revised, permission would be issued via the Delegation Panel with a view to exploring the possibility of moving the proposed dwelling towards Fairfield Court and moving back towards the railway line; specify the colour of the render; change roof slates to those more common in the area and re-consult with neighbours if amended plans were received.

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6. PLANNING APPLICATION DC/2015/01204 - PROPOSED DWELLING; LAND ADJACENT TO 2 LADYHILL CLOSE, USK

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

Late correspondence had indicated that the applicant's agent had submitted two amended plans, one depicting a first floor window to the eastern elevation that was designed to avoid overlooking of adjoining gardens, and the second to indicate the required visibility splays for the proposed access.

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

- The proposed dwelling was inappropriate for such a small plot.
- Neighbours considered the proposed dwelling to be too overpowering for the surrounding area.
- The road was already congested with on street parking making it difficult to gain access to the proposed off road parking facilities.
- The proposed dwelling was too big for the plot.

Having considered the report and the views expressed by the local Member, some Members expressed their concern that there was no amenity area located within the plot, access to off street parking would be difficult, the proposed dwelling would too big for the plot and it would be the only dwelling within the street that was detached and therefore not in keeping with the existing street scene.

However, other Members considered that it was the applicant's decision whether or not to have an amenity area within the plot and that the application complied with current planning policies.

It was therefore proposed by County Councillor A.E. Webb and seconded by County Councillor M. Powell that application DC/2015/01204 be approved subject to the eight conditions, as outlined in the report and that a visibility splay plan be added to the conditions in the report.

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

For approval	-	8
Against approval	-	4
Abstentions	-	1

The proposition was carried.

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We resolved that application DC/2015/01204 be approved subject to the eight conditions, as outlined in the report and that a visibility splay plan be added to the conditions in the report.

7. PLANNING APPLICATION DC/2015/01350 - CHANGE OF USE FROM USE CLASS A1 (RETAIL) TO USE CLASS A3; UNIT 5 WESLEY BUILDINGS, NEWPORT ROAD, CALDICOT

We considered the report of the application which was recommended for approval subject to the four conditions, as outlined in the report and also subject to a Section 106 Agreement requiring the applicant not to implement planning permission DC/2014/00661 at 7 Wesley Buildings.

Members agreed that unit 5 would be far more lettable than unit 7 for this application and it was proposed by County Councillor R.J. Higginson and seconded by County Councillor M. Powell that application DC/2015/01350 be approved subject to the four conditions, as outlined in the report and also subject to a Section 106 Agreement requiring the applicant not to implement planning permission DC/2014/00661 at 7 Wesley Buildings.

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

For approval	-	13
Against Approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01350 be approved subject to the four conditions, as outlined in the report and also subject to a Section 106 Agreement requiring the applicant not to implement planning permission DC/2014/00661 at 7 Wesley Buildings.

8. PLANNING APPLICATION DC/2015/ 01565 - DEMOLITION OF EXISTING GARAGE BUILDINGS AND ERECTION OF TWO BESPOKE SEMI-DETACHED BUNGALOWS, CAR PARKING AND ASSOCIATED WORKS; POPLARS CLOSE, ABERGAVENNY

County Councillor Dovey left the room during consideration of the application and returned before the application was determined. He therefore abstained from voting in respect of this application.

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

Members were informed that the proposed bespoke development was for two individuals with disabilities. This location was the most suitable in the area for this development.

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Having received the report it was proposed by County Councillor R.J. Higginson and seconded by County Councillor M. Powell that application DC/2015/01565 be approved subject to the four conditions, as outlined in the report.

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

For approval	-	8
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2015/01565 be approved subject to the four conditions, as outlined in the report.

9. Monmouthshire Local Development Plan Supplementary Planning Guidance Primary Shopping Frontages

We received a report in which Members were advised of the results of the consultation exercise on the draft Primary Shopping Frontages Supplementary Planning Guidance (SPG) to support the policy of the Monmouthshire Local Development Plan (LDP).

In response to a Member's question regarding A1 usage, it was noted that there were very limited changes and the thresholds generally reflect historic and current levels of retail uses within the PSF's. Vacancy rates in the Central Shopping Areas were 0% in Raglan and 9.2% in Caldicot (October 2014). National vacancy rates were at 13% (March 2015).

We resolved to endorse the draft Primary Shopping Frontages Supplementary Planning Guidance (SPG) in connection with the Monmouthshire Local Development Plan (LDP) and to recommend to the Cabinet Member with responsibility for planning matters, accordingly.

10. The Planning Inspectorate - New Appeals Received

We noted the new appeals that had been received in respect of the following applications:

- DC/2015/00868 – Land adjacent to 42 Castle Oak, Usk. NP15 1SG.
- DC/2015/01019 – The Mount, Parc Road, Coed Y Paen, Monmouthshire. NP4 0SY.
- E15/229 – Whitemill Works, Usk Road, Mynydd Bach, Monmouthshire. NP16 6DD.

The meeting ended at 5.10 pm

DC/2015/00499

NEW HORSE RIDING ARENA AND CHANGE OF USE TO FIELD TO CARAVAN AND CAMPING SITE

CWMSOAR GLASCOED LANE GLASCOED NP4 OTX

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones

Date Registered: 13th November 2015

1.0 APPLICATION DETAILS

- 1.1 This full planning application relates to land to the south and west of the property known as Cwmsoar Farm, located along Glascoed Lane to the south-west of the village of Glascoed.
- 1.2 It is proposed to construct a new horse riding area within an existing grazing paddock to the south of the dwelling. The arena would measure 20m x 45m; the riding surface would be finished with silica sand and a chopped fibre surface and it would be enclosed by timber post and wire fencing. The riding area is to be used by horses already resident at Cwmsoar Farm.
- 1.3 The parcel of land to the west and north of the dwelling, measuring just over an acre, would form three areas to site caravans and tents. The lower and middle portions have already been subject to ground works, including alterations to ground levels. Other works already undertaken include the formation of a track through the middle portion of the site which is finished with road plainings. This terminates at an existing gateway, to be retained, which leads to the upper portion of the site. The route is to be continued beyond this gate, where it is proposed to be finished with a 'grasscrete' system instead.
- 1.4 Overall the site would accommodate 12 caravan pitches and 12 camping pitches. The lower and middle sections would be use for the siting of caravans, whereas the upper section would be primarily for camping use although it would have capacity for some caravans.
- 1.5 Other works proposed include the erection of a toilet and shower block within the middle section of the site. The structure would feature a shallow lean-to roof and would stand 2.8m in height, measuring 5.8m in length and 3.8m in depth. The building would be tin clad (including the roof), with timber doors/windows and fascia. To the south of the structure would be a chemical toilet disposal area. This area would measure 1.8m x 1.9m, and would be enclosed by a 900mm high timber fence.
- 1.6 The caravan and camping area would be accessed via the existing entrance directly off Glascoed Lane. The existing metal gates are to be replaced by a timber five bar gate, which would also include a side pedestrian access.

2.0 RELEVANT PLANNING HISTORY

DC/2006/00258 - Erection of a steel frame lean-to agricultural building, 9.5m wide x 15m long x 3m to lowest point x 4m to highest point.
Acceptable 10.07.2006

DC/2005/00286 - Take Down Existing Barn & Lean To And Replace With 1 Barn.
Acceptable 22.04.2005

DC/2002/01244 - Erection of Steel Frame Building to Be Used As an Agricultural Implements Store.
Approved 10.12.2002

DC/2001/00517 - Erection of A Steel Frame Self Supporting Lean-to.
Approved 18.07.2001

DC/1998/00228 - Lean-to Storage Building.
Approved 06.05.1998

DC/1993/00360 - Erection of Implement Store and Hay Barn as Extension to Existing Building.
Approved 30.06.1993

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 Rural Enterprise
S11 Visitor Economy
S13 Landscape, green infrastructure and the natural environment
S6 Transport
S17 Place making and design

Development Management Policies

RE6 Provision of Recreation, Touring and Leisure Facilities in the Open Countryside
T1 Touring Caravan and Tented Camping Sites
DES1 General Design considerations
EP1 Amenity and environmental protection
NE1 Nature conservation and development
MV1 Proposed development and highway considerations
GI1 Green Infrastructure
LC5 Protection and Enhancement of Landscape Character

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llanbadoc Community Council – recommended the application be submitted with further details, providing the following additional comments:

- The applicant was present at the Community Council meeting and stated that the 30 additional car parking spaces specified on the application form were incorrect and this was a much lower number, but this does not appear to have been corrected and resubmitted. The council could only comment on the documentation received.
- The application does not state a specific number of camping or caravan pitches, only a reference to a provisionally agreed 28 day CL Licence for caravan and camping club members.
- Also the applicant intends to offer their own 1960's caravans for alternative accommodation, again with no numbers specified. Considering the Monmouthshire Local Development Plan – It appears these caravans will fall into policy T2 as permanently sited caravans.
- Although potentially supportive of a new business proposal, under policy T1, the Community Council felt without further documented clarification on the size of the proposed business it would not be appropriate to make a recommendation as numbers of visitors would be key to understanding the impact on the local area.
- A further consideration would be the response from a highways report as Council members felt the existing transport infrastructure could be under pressure from the additional traffic generated and safety could be questioned.
- The horse riding area was not discussed as this was under the same application.
- It may be appropriate to have 2 separate applications for the horse riding area and caravan and camping site as these are 2 separate proposals and individual consideration and opinion may be provided on each. Advised applicant to consult with Monmouthshire planning department for advice on this matter.

MCC Highway Officer – there are no highway grounds to sustain an objection to the application, subject to the following comments and conditions in respect to each element:

- Riding Area
 - From the detailed submitted it is noted that the horse riding area is for private use to exercise horses.
 - The arena is proposed to be positioned at the south corner of the site accessed from the existing access off the short spur road off Glascoed Lane.
 - Would want to condition that any flood lights to be installed shall be suitably screened so as to prevent any glare directed onto the adjacent public highway.
- Caravan and Camping Site

- Glascoed Lane is a typical rural road and is used as a commuter route during peak AM and PM times.
- Whilst it is accepted the proposal will generate some additional traffic, vehicles with caravan in tow, we are mindful that Glascoed Lane has historically served large agricultural vehicles and HGV traffic.
- It is considered that the traffic generated will be sporadic throughout the day outside peak AM and PM times and based on the limited size of the development we consider the traffic generated will not exacerbate the current situation to the detriment of highway safety.
- Would want to condition that no development should take place until details of improvements to the existing access and visibility splay have been submitted to the Council and approved.

MCC Biodiversity/Ecology Officer – provided the following comments:

- Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.
- An ecological assessment was undertaken to support the planning application.
- No data search was undertaken to inform the application and therefore considerations of species such as otter and white clawed crayfish which have been recorded in the vicinity were not fully appreciated.
- Due to the close proximity of the site to the Sor Brook which runs immediately adjacent to both parts of the development, impacts on white clawed crayfish and otter, both of which use the brook need to be considered.
- It is acknowledged that the scale of the scheme is relatively small and also that most of the earthworks at the site have already been completed. Further to the Habitat Survey submission, I have discussed the scheme with the Agent for the scheme to understand the proposal.
- The GI Masterplan illustrates a 7m buffer zone from the Sor Brook which illustrates that much of the site will be outside this area. A construction method statement will be required for the remainder of the works to be completed on the caravan site and the Manage element of the scheme. A planning condition is recommended for this.
- I would support the request by Benjamin Terry for a planting plan but would extend this to include a management plan (prescriptions) for the site proportionate to the scheme scale or a separate condition. Management is recommended in the Phase 1 Habitat survey but is not explicit on the GI masterplan or DAS. Management proposals should be provided for the whole application site and include all grassland, hedgerows, trees and riparian fringe habitats. The management of Japanese knotweed at the site could also be included.
- The scheme would benefit from additional planting between the 7m buffer line and the watercourse to reduce impacts on wildlife using the watercourse to create a natural undisturbed riparian fringe.
- The GI masterplan illustrates the use of lighting and in particular a 'low level bulkhead with low energy bulbs' in close proximity to the stream (at the southern end of the site). This would not be an appropriate installation unless it can be demonstrated that the light will not be cast to the watercourse. It would be more appropriate to move this fixture into the site

by 2-3m to reduce impacts on wildlife using the river or alternatively plant up the area between the bulkhead and the stream.

MCC Landscape Officer – provided the following comments:

- The principle outstanding and high evaluations for this area apply to the visual & sensory, geological, historical and cultural aspects of LANDMAP aspects. This area is considered to have a high scenic quality combining attractive topography of deep undulating valleys and wooded hills.
- The presence of Llandegfedd Reservoir SSSI nature conservation designation is another major constraint to development in this area, as is the rural character of Glascoed Lane; avoiding suburban highway improvements and removing existing hedgerows.
- Of particular significance is the adoption of the Councils Green Infrastructure Policy which requires applications to be considered more holistically – it seeks to embrace a range of multidisciplinary aspects including landscape, biodiversity accessibility, health wellbeing , community engagement and climate change, through a coherent, resilient and connected network of high quality green and blue spaces.
- It is welcomed that the Green Infrastructure statement has been informed by the ecological study however, we do not fully agree with the importance assigned to some features of the site and consider that there are a number of valuable assets at the Cwmsoar caravan site that will benefit the final scheme.
- The green infrastructure proposals need to be expanded to reflect this. Green Infrastructure assets for the site include, the Sor brook and streamside buffer areas, the grassland, the hedgerow, trees (including those associated with the Sor Brook).
- The Sor brook is not a poor habitat for many species. Records show that protected species populations including otter and crayfish depend on this watercourse.
- Japanese Knotweed control on site needs to be clarified. We believe that some preparatory works have already commenced. Excavation/s on a site with JK is a concern especially given that the Sor Brook bounds the site that feeds Llandegfedd Reservoir.
- The applicant has also identified potential connections to strategic GI assets (Pontypool Park and Llandegfedd Reservoir).
- The design and style of the toilet block is basic; its location is also unclear.
- There are no landscape design proposals within the application.
- There are no proposed levels on the site plan.
- To assess the application against Policy LC5 we require the applicant to submit an appropriate LVIA, this should inform their design and layout, with recommendations noted in their DAS.
- To determine the extent of GI assets around the site and potential opportunities linked to them. The applicant is to submit a GI Masterplan.
- To ensure that we have an accurate understanding of their proposal, the applicant must submit a fully annotated site plan, to include proposed site levels, location of buildings.
- To ensure we have an accurate understanding of material finishes and colours, the applicant is to submit a list of proposed materials (within their DAS). This should also be clearly annotated on other submitted drawings.

- To ensure we have an accurate understanding of their proposed external works, the applicant is to submit details of landscaping proposals, drainage, and surface treatments.

4.2 Neighbour Notification

Six households have submitted representations raising the following issues, which are summarised below:

- Traffic on this narrow lane has increased significantly over the last few years.
- In addition to those using BAE Systems, people now use it to access Woodlake Golf Club and the new County Hall in Usk.
- Also seen increase in number of articulated and commercial vehicles using it.
- Tourist project in this location is totally inappropriate.
- The lane is too narrow, with no passing places and a concealed entrance at the bottom of a very steep hill.
- Concerned that visitors using this caravan and camping park may trespass on my land and potentially cause greater concern if in particular dogs are allowed to roam unattended and have the potential to attack my livestock.
- Riding area will surely also increase traffic.
- The sight lines in both directions from the gate way are restricted.
- The proposal constitutes over development of the site.
- The site is a small pocket of land bordered to one side by a narrow but relatively busy lane and a steep bank. Development of the proposed density represents over development and will fundamentally change the area.
- The route leading from New Inn is via an extremely steep hill, meeting a caravan on this hill would undoubtedly result in a vehicle reversing.
- It should be noted that Glascoed Lane is not in a good state of repair at present, the proposed caravan site will aid to exacerbate the situation.
- We would ask that Highways Department is included in a site visit prior to making your decision.
- The application does not include a figure for the number of caravans and tents likely to be accommodated on the site, but parking for 30 cars has been specified, this appears to be excessive.
- In one section it is stated that the Arena will enhance use for the owners, but elsewhere it is mentioned that it will be accessed via the existing gated entrance on the road which is level and suitable for wheelchair users.
- It appears that this application may be a proposal for the inception of two possible businesses, a riding centre as well as a caravan/camping site.
- It should also be noted that planning permission for similar ventures in the area has previously been turned down: at another nearby farm to accommodate the storage/over wintering of caravans. At land off Coed Chambers Road to be used for caravans and the same land off Coed Chambers Road to be used for holiday accommodation in the form of log cabins.
- The site is also completely inappropriate as it is next to a brook - Sorbrook- that runs directly into the adjacent Llandegfedd Reservoir. This will be a health hazard should it get polluted by the campers or caravans.

- I also do not wish to be overlooked by campers or have any noise from any. I value my home & privacy & the peace & tranquillity of the place I grew up.
- I sometimes have sheep on tack in my field and I and my neighbouring sheep farmer whose fields are next to the proposed site are worried about dogs getting loose if they come with visiting campers. I have already had a sheep attacked by a loose dog.
- Worried about the noise and that our privacy will be totally gone, especially in the summer when we ourselves may want to be outside or keep the windows open.

4.3 Local Member Representations

Councillor Val Smith – No objections.

5.0 **EVALUATION**

- Principle of the proposed development
- Landscape and Visual impact
- Residential amenity
- Highway considerations
- Biodiversity considerations
- Response to other issues raised

5.1 Principle of the proposed development

Policy T1 of the Monmouthshire Local Development Plan (LDP) sets out various criteria for new touring caravan and tented camping sites, detailed below, which need to be satisfied for proposals to be permitted subject to detailed considerations:

- a) there is no unacceptable impact on the countryside having regard to biodiversity, landscape quality and the visibility from roads, viewpoints and other public places;
- b) there are no permanently sited caravans;
- c) the development can be satisfactorily supervised without the need for additional permanent living accommodation for wardens; and
- d) there are no adverse safety and / or amenity effects arising from the traffic generated and access requirements.

5.1.1 The visual impact of the development in the wider countryside is to be considered in section 5.2 of this report below.

There will be no permanently sited caravans, conditions are to be imposed relating to a 28 day restriction on stay as well as the closure of the site during the winter months.

The applicant lives in a dwelling immediately opposite the proposed camping/caravan site and as such there would no requirement for additional permanent living accommodation for a warden. Finally, the traffic generated and access requirements are to be considered in section 5.4 of this report.

- 5.1.2 Policy RE6 *Provision of Recreation, Touring and Leisure Facilities in the Open Countryside* also sets out that ‘development proposals for recreation, tourism and leisure uses in the countryside will be permitted provided that they are of a small-scale, informal nature and subject to detailed planning considerations, including adequate safeguards for the character and appearance of the countryside (particularly its landscape, biodiversity and local amenity value)’. In this instance the proposal is considered to be of small scale, and as noted the detailed considerations including landscape, biodiversity and local amenity value are to be discussed in the ensuing sections of this report.
- 5.1.3 With regard to the riding arena, it is considered that in principle such a feature within the rural context would not be alien and would be typical of what one might expect to find within the open countryside.

5.2 Landscape and visual impact

The proposal has been considered by the Council’s Landscape Officer and following discussions the applicant has provided a Green Infrastructure Plan and Statement.

The proposed caravan and camping site would benefit from an existing mature hedgerow that encloses the site along Glascoed Lane which provides a good degree of natural screening. It has been established that additional soft landscaping works, including the planting of hedgerow and trees, are to be included to help mitigate the visual impact when the site is occupied.

- 5.2.1 The proposed shower and amenity block is considered to be of modest size and commensurate to the size of the site. The use of tin cladding and timber joinery is considered to be appropriate given the rural context and also the presence of a large metal-clad agricultural building on the opposite side of Glascoed Lane. However, no information is provided with regard to the colour of the building so this is to be agreed via an appropriate planning condition.
- 5.2.2 Within the central portion of the site a track has been provided to allow vehicles to access their pitch; this has been finished with road plainings. It was originally proposed to continue this into the upper section, but this has been amended to employ a grasscrete system which would have a significantly reduced visual impact.
- 5.2.3 Lighting is proposed to the caravan and camping site, which is considered to be acceptable in principle to ensure the health and safety of visitors. Whilst, the position of the lighting has been indicated no information has been detailed with regard to the height of any columns and therefore this is to be conditioned.
- 5.2.4 Some ground levelling works would be required to provide an even surface for the proposed riding arena. These are not considered to be excessive, and whilst it was suggested the riding arena be reduced to 20m x 40m, the proposed size would not be of unacceptable scale. The area would be enclosed by simple post and wire fencing and additional planting has been proposed to minimise visual impact. It was requested that the new tree planting be scattered throughout the paddock; however the linear layout proposed to the front of the

arena is not considered to be unacceptable. In addition no lighting is proposed to illuminate this facility which is not to be for commercial use.

5.3 Residential amenity

The primary concern raised by local residents within the consultation responses has been the impact on highway safety. This matter is covered in section 5.4 below.

The nearest neighbouring property to the camping and caravan site, The Poplars, is located approximately 70m to the north. Concerns have been raised with regard to the generation of noise and the potential loss of privacy. Owing to the distance between the site and the neighbouring property, and the presence of mature trees within this space, it is not considered that the camp site would give rise to an unacceptable loss of privacy or increase in noise levels to the detriment of any third party.

- 5.3.1 Concerns have also been raised from a number of properties in relation to the potential of tourists' dogs causing injury to other animals including livestock. However, there is a well-established public right of way network to the north and west of the site which can already generate walkers with dogs and in any event the actions of individual owners would not be a planning consideration, being a matter of personal responsibility, having regard to the Countryside Code.

5.4 Highway considerations

Glascoed Lane is a typical rural road and is a thoroughfare between Pontypool, Glascoed and the A472 leading to Usk. It is used as a commuter route during peak AM and PM times.

It is accepted by the Council's Highway Engineer that the camping and caravan site would generate an increase in traffic to the area, including vehicles which would be towing touring caravans. However, the Engineer has advised that Glascoed Lane has historically served large agricultural vehicles and HGV traffic. It is anticipated that traffic generated by the camp site would be more sporadic during the day outside of the peak AM and PM times. The site is not of considerable size and therefore the Local Planning Authority is of the view that the potential traffic that would be generated would not exacerbate the current situation, and therefore would not cause such demonstrable harm to highway safety so as warrant refusal.

Improvements to the existing points of access have been identified as necessary by the Highway Engineer; a condition is therefore required to agree the works required and for them to then be implemented.

5.5 Biodiversity Considerations

The application has been informed by an Extended Phase 1 Habitat Survey. The Council's Biodiversity Officer has confirmed that the LPA therefore has sufficient information to make a lawful planning decision.

The camping and caravan site is positioned in close proximity to Sor Brook, which runs along the western edge of the site. As such the potential impact on white clawed crayfish and otter needs to be considered. The GI Plan submitted provides a 7m buffer zone from the Brook, however the Council's Biodiversity Officer has requested a Construction Method Statement be submitted via condition for the remainder of the works to be carried out.

In addition a GI Management Plan is to be provided through planning condition to cover all grassland, hedgerows, trees and riparian fringe habitats. This could also cover the management of Japanese knotweed at the site.

- 5.5.1 As noted previously in section 5.2.3 of this report it is proposed to provide lighting to the camp site. The Biodiversity Officer has expressed some concern with the location of these, in particular their proximity to Sor Brook. Consequently their exact positioning can be agreed as part of a lighting plan as part of the previously referenced lighting condition.

5.6 Response to other issues raised

The application form states that the site will provide 30 parking spaces; this has been questioned by the Community Council. The site will provide two designated spaces at the site entrance, whilst each of the total of 24 pitches will have sufficient space for the parking of one vehicle.

The Community Council have also raised issue with the presence of the applicant's own vintage caravans and whether they would be permanently sited and therefore contrary to Policy T1. However, all caravans will be subject to the same 28 day and seasonal restrictions and therefore would not be permanently sited.

6.0 **RECOMMENDATION: APPROVE**

Conditions

1. 5 year time limit
2. Development to be carried out in accordance with the approved plans
3. No development, demolition, earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall cover both the caravan and manege elements of the scheme and include:
 - 1) details of measures to protect the watercourse from incidental pollution during development and therefore protect local populations of white clawed crayfish
 - 2) details of the measures to safeguard Otter during development e.g. no work after dusk or before dawn, no trenches left uncovered during the night where otters can become entrapped

The construction Method Statement shall be completed in consultation with an appropriately experienced ecologist.

4. A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the operation of the development. The content of the Management Plan shall include the following;
 - a) Aims and objectives of management
 - b) Prescriptions for management actionsThe approved plan will be implemented in accordance with the approved details.
5. No caravans or tents shall remain on the site for more than 28 consecutive days and no caravans or tents shall be permitted on the site between 30th September in any one year and 1st March in the succeeding year.
6. A register of touring caravans showing the dates of arrival and departure shall be maintained by the site operator and shall be made available at all reasonable times for inspection by the Local Planning Authority.
7. During the permitted period the combined total number of touring caravans and/or camping pitches on the site shall not exceed 24 at any one time.
8. Samples of the proposed external finishes to the toilet block and chemical toilet disposal area shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
10. A scheme of lighting/ illumination including column heights and positioning shall be submitted to and agreed by the Local Planning Authority before the caravan and camp site is brought into use, and shall be implemented in accordance with the approved details and maintained in perpetuity.
11. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached to or be positioned so as to illuminate the riding arena hereby approved.
12. The riding arena hereby approved shall be for private domestic use only.
13. No development shall take place until the details of improvements to the existing access and visibility splay have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and remain as such in perpetuity.

Informatives

Japanese Knotweed

Otters

Highways Section 184

DC/2015/01291

LAND TO REAR OF 61 PARK CRESCENT, ABERGAVENNY

OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DWELLINGS ON EX-RAILWAY LINE LAND

Case Officer: Kate Bingham
Registered: 18/12/15

RECOMMENDATION: APPROVE

1.0 APPLICATION DETAILS

- 1.1 This is an outline planning application for the erection of a pair of semi-detached two storey dwellings on land to the rear of an existing dormer bungalow in Abergavenny. All matters are reserved.
- 1.2 As part of the application it is proposed to demolish an existing garage and shed on the site.
- 1.3 The existing dwelling has a single access point to the south side of the site off Park Crescent. The previously approved application for a new dwelling to the side of 61 Park Crescent (61A) included a new separate access at the eastern side of the site for the new dwelling. This application proposes to use an existing access off the lane to the rear (north) of the site to serve both of the proposed new dwellings.
- 1.4 The application is presented to Planning Committee at the request of the Delegated Panel.

2.0 RELEVANT PLANNING HISTORY

DC/2015/00210 – Extension to dwelling to form new residential unit (61A). Approved 7/10/15.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – The Spatial Distribution of New Residential Development
S12 - Transport
S13 – Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making and Design

H1 – New Residential Development in Main Towns
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1 – Nature Conservation and Development
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Responses

- 4.1.1 Abergavenny Town Council – Recommends refusal.

1. Over-development of the site
2. Concerns about pedestrian safety at the access point to the site

4.1.2 Dwr Cymru-Welsh Water - No objection subject to condition ensuring no surface water connects with the public sewerage network.

4.1.3 Natural Resources Wales (NRW) – Land potentially affected by pollution. NRW considered that the controlled waters at this site are not of highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

4.1.4 Glamorgan Gwent Archaeological Trust (GGAT) – The Roman road that connected the Roman fort at Abergavenny with that at Kentchester ran immediately to the west of the line of the present Hereford Road. It was common for Romans to establish cemeteries alongside main roads exiting their military bases and this is the case in Abergavenny. Discoveries have identified a large cremation cemetery to the west of the Hereford Road. Indeed, cremation burials have been found at nos. 9 & 11 Park Crescent. However, the London and North-Western Railway ran directly through the development area so any potential archaeologically significant remains would likely have been destroyed. As such there is unlikely to be an archaeological restraint to this proposed development.

4.1.5 MCC Highways – No objections.

The improvement of the southern point of access is welcomed as it will improve the safety of the pedestrians by relocating the point of access and lowering the hedge between the footpath and the private driveway. The same treatment for improving visibility MUST be mirrored at the northern access with the adjoining hedgerow, replaced with railings. Pedestrian rights must be retained at all times. This will improve highway safety as well as pedestrian safety at both sides of the site.

The parking and turning provision at the site is compliant with the SPG, copy available from planning. The volume increase is therefore not considered as extraordinary.

Positive drainage must be introduced so that no water ingresses the site and conversely egresses the site as a consequence of this proposal.

I would not wish to see any works that would be detrimental to the safety of the highway users as a consequence of this proposal.

4.1.6 MCC Biodiversity – No objections.

4.2 Neighbour Consultation Responses

Three representations received. Object on the following grounds;

- Contrary to LDP Policy EP1 and DES1 criteria (d) and (l) which refer to privacy and spaciousness.
- Two storey dwelling so close to boundary with no.59 Park Crescent with overlooking windows will significantly affect privacy.
- Potential noise and disturbance of having residences so close to no.59 will materially affect the quiet and private enjoyment of the property.
- Harm the outlook from no.59.
- Out of keeping with the local context and street pattern – no other infill properties within view of the site and only building to the rear of the houses is a single storey garage.

- Design of house out of keeping.
- Former railway land may be contaminated.
- Proposed shared access adjacent to well used footpath link between Ysgyborwen, Park Crescent and Llwynu Lane will increase risk of pedestrians coming into contact with traffic associated with the application site.
- Over development and increased demand on local infrastructure, services, facilities in an established residential area.
- Can we be sure that the decision making in relation to this will be consistent with other applications and does not set a precedent if approved?
- Must consider the cumulative impact of the development when considered along other developments (5 approved housing developments in less than one acre) which will have an adverse impact on this area.
- Although application now says no access from Park Crescent, question if this will remain the case in the future.
- Further expansion of another two properties in such a small rural area is totally excessive.

4.3 Other Representations

Nick Ramsay AM – Wishes to support constituents’ comments particularly regarding the access to the proposed new houses and safety concerns. Hope that application will be considered by the full planning committee given the concerns that have been raised.

Abergavenny and District Civic Society – No objection in principle as a precedent has already been set locally but question the suitability of the site for two dwellings and suggest that any outline permission does not commit the Authority to two.

Necessary to establish whether the site has vehicular right of access from the north. While the plans indicate that parking standards can be met, the possibility of six extra spaces having to rely on shared use of the driveway besides no.61 seems likely to cause congestion resulting in on-street parking and possibly danger to pedestrians.

Development as proposed in the outline plan is likely to require the removal or severe cutting back of hedgerow trees on the northern boundary. These were reduced in height a few years ago but are still a significant feature in an area that is not well-provided with trees, especially when in leaf and viewed from Llwynu Road. We would hope for their retention.

4.4 Local Member Representations

Cllr James George – has requested the application is considered by Committee.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 The site is located within the development boundary of Abergavenny within which new residential development is acceptable in principle. The site is not within a flood plain or conservation area.

5.1.2 In terms of building to the rear of existing dwellings, land to the rear of 83- 87 has consent for affordable apartments but this is accessed via Old Hereford Road and Ysguborwen and so is not considered to be comparable to this application. However,

consent has been granted for a pair of semi-detached dwellings to the rear of no.109 Park Crescent on a similar sized plot. The majority of other dwellings along this side of Park Crescent have gardens and do not have the benefit of access from the north. As such it is considered that the application site is suitable for new residential development whereas the majority of other land along the street is not and granting consent for this application would not set an unwelcome precedent.

5.2 Amendments

5.2.1 Following discussions with officers, the application has been amended so that vehicular access for both of the proposed new dwellings is from the north end of the site. This is to avoid any conflict between traffic and the existing dwellings at no.61.

5.2.2 The height of the proposed dwellings has been reduced from just over 8 metres to the ridge to 7.2m with the use of dormer windows to allow the first floor accommodation partially within the roof space.

5.2.3 Following observations from the Civic Society, the applicant has agreed to retain the hedgerow trees on the northern boundary. This can be conditioned.

5.3 Visual Amenity

5.3.1 All matters are reserved and therefore any details submitted showing the design of the proposed dwellings is illustrative only and relates to the maximum scale perimeters of any development. A pair of two storey semi-detached dwellings have been shown on the plans submitted with the application with a hipped roof. This is broadly in keeping with the surrounding dwellings which vary between detached bungalows, detached and semi-detached houses. Whilst the proposed new dwellings would most likely only be glimpsed from the road, the access would be open to views that would make it apparent that there was residential development to the rear of the existing houses. This would introduce a form of development that does not follow the existing pattern or layout of the area.

5.4 Residential Amenity

5.4.1 This is an outline application with external appearance reserved for future consideration. As such the detailed design of the proposed dwellings is unknown at this stage, however, it would be assumed that the north and south gable ends of the dwellings would be left blank or have no habitable room windows so as to avoid overlooking of the host dwelling and nos. 1-7 Ysguborwen to the north at relatively close quarters. It would be expected that the principal elevation of the new dwellings will face west onto the public footpath so as to avoid overlooking of the garden area of no.59 Park Crescent. Subject to careful design it is considered that the site can accommodate the new dwellings without seriously harming existing local residential amenity.

5.4.2 The reduction in the ridge height of the proposed new dwellings will help prevent them having an overbearing impact on the neighbouring dwellings which have a substantial useable garden area. The proposed new dwellings have been sited as centrally in the plot as possible meaning that there is a distance of between 6 and 8 metres between the new building and the common boundary with the neighbour at no.59.

5.5 Access, Parking and Highway Safety

5.5.1 Both of the proposed new properties will be accessed from the lane that runs to the north (rear) of the existing property. The northern access already serves as access to several garage plots and a maintained car park.

5.5.2 The parking and turning provision at the site is compliant with the adopted parking guidelines. As such it is not considered that the relatively small increase in the volume of traffic using the site will adversely affect highway safety.

6.0 RECOMMENDATION: APPROVE

Conditions:

1	Approval of the details of the siting, design and external appearance of the building(s), the means of access and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.
2	(a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3	The development shall be carried out in accordance with the list of approved plans set out in the table below.
4	None of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

Reasons:

1.1	The application is in outline only.
2.1	In order to comply with Section 92 of the Town and Country Planning Act 1990.
3.1	To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
4.1	To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area.

Informatives:

The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be

viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.

Please note that Bats are protected under The Conservation of Habitats and Species (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) (0300 065 3000).

The developer should address risks to controlled waters with reference to the Environment Agency document 'Guiding Principles for Land Contamination'.

DC/2015/01322

CONVERSION OF STONE STABLE/ BARN TO A SPECIALIST SCHOOL (USE CLASS D1) AND ASSOCIATED EXTERNAL ALTERATIONS

MONAHAWK BARN, HAZELDENE, COMMON ROAD, MITCHEL TROY COMMON, NP25 4JB

RECOMMENDATION: REFUSE

Case Officer: Craig O'Connor

Date Registered: 02/12/2015

The application was presented to the Planning Committee on Tuesday 12th April 2016 with a recommendation for approval and the previous report is outlined below. At the meeting Members raised concerns regarding the proposals as there were considered to be better facilities available within the County for this type of facility and the development would result in unacceptable additional traffic movements on Common Road and would harm the amenity of the area owing to increased noise and disturbance associated with the proposal. As a result of these concerns the officer recommendation to approve was not accepted and the application is re-presented to Members with reasons for refusal.

Reasons:

1. The proposed school would result in a significant and unacceptable amount of additional traffic in the area which cannot be acceptably accommodated on Common Road (which has limited capacity as it is a rural lane) and would cause vehicular conflict and harm to highway safety. The proposed development would have a detrimental impact on highway safety in the area and would be contrary to Policy MV1 of the Monmouthshire Local Development Plan (MLDP).
2. The proposed school would have a detrimental impact on the amenity of the area as a result of increased noise and activity, additional traffic movements and landscape alterations that would lead to harm to the character of this rural area, contrary to Policy EP1 of the MLDP.

Previous report (Committee meeting of 12th April 2016)

1.0 APPLICATION DETAILS

- 1.1 The application seeks consent to convert the existing stone stable/ storage barn into a small school together with works to create an access, driveway and parking and turning area. The existing stone stable measures 15.6m in length and 9.6m in width and measures 6m high. The application does not propose any extensions or alterations to the form of the barn and relates primarily to the use of the building. The alterations to the main barn would be relatively minor with the glazing of existing openings and the insertion of a new opening on the western elevation. The application does not seek to alter the existing materials and the minor alterations would be of traditional construction. The proposed site

plan 002 outlines the proposed access arrangement, the proposed school utilising the existing field access which would be widened to 4.5m with 70m visibility splays in both directions. The submitted plans also outline the proposed car parking arrangement.

- 1.2 The proposed change of use of the barn for educational purposes would provide a specialist education facility for pupils with learning difficulties and who would mainly reside in care homes in the local area. Pupils would travel to the school in a minibus operated by the applicant. The proposal, if approved, would be registered with ESTYN.

2.0 RELEVANT PLANNING HISTORY

DC/2010/00325 Erection of stable block and implement storage shed with ancillary works Refused January 2011 Appeal dismissed July 2011

DC/2004/01314 or M/10866 Construction of a stable/barn for horses on site of previously demolished barn Approved April 2005

Adjoining site

DC/2015/01303 Change of use from dwellinghouse to residential care home for up to six young persons; Hazeldene, Common Road, Mitchel Troy – also on this agenda

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S10 Rural Enterprise
- S13 Landscape, Green infrastructure and the Natural environment
- S16 Transport
- S17 Place making and design

Development Management Policies

- EP1 Amenity and environmental protection
- DES1 General Design considerations
- RE2 Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use
- LC4 Wye Valley Area of outstanding Natural Beauty
- NE1 Nature Conservation and development
- MV1 Proposed Developments and highway considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Mitchel Troy Community Council – recommends refusal for the following reasons:

- In the LDP Mitchel Troy Common is designated as Open Countryside, with a presumption against development.
- Traffic. The LDP does allow for the conversion of rural buildings for residential or business use where appropriate, but developments should be sustainable with a presumption against using cars. The proposed conversion would generate an unacceptable level of extra traffic on a narrow lane that already causes concern.
 - MCC Highways have asked for the splay at the drive entrance to be widened. But the entrance remains on a blind bend, with parking spaces opposite, some of which are occupied throughout the day. Local people are not aware of the gated entrance being used for a number of years.
 - The LDP also states that: *"any additional traffic created by the development must be incorporated into the existing road network without detriment to the area or highway safety"*, and *"for road safety reasons, the intensive use of narrow single carriageway country lanes with few passing places is normally undesirable site access"*.
 - Local residents carried out an informal spot survey of traffic on Common Road, which showed 202 vehicles passing between 0700 and 0930. A further traffic peak occurs when children return from school in the afternoon; at that time there are also more pedestrians, as many walk back to their homes - but there is no pedestrian footway. At an informal public meeting held in Mitchel Troy (and attended by 60-80 local residents) a Priory Group representative said that the planned school would close at 3pm, causing additional traffic at a time when many children are already walking home on the narrow lane.
 - Please could MCC undertake a formal traffic count, highlighting the daily peaks
 - If MCC is minded to give planning consent, a condition should be placed on the developers to improve the road with widening, a foot way, traffic calming and speed restriction.
- Business use. This conversion should be classed as for business use, as The Priory Group is a private company. Under planning policy H4 *"The conversion of buildings that are suited to business will not be permitted unless the applicant has made every reasonable attempt to secure other business property"*, and must be supported by a statement to that effect. Is there documentary evidence of a need for the proposed school in Monmouthshire? At the public meeting the Priory Group representative said that children from throughout South Wales, Herefordshire and Gloucestershire would attend the school.

MCC Highways Officer – no adverse comments to the proposals. The proposal offers an improved point of access with a visibility of 2.5m x 70 in each direction and positive drainage collected at a point 5m from the highway. The annotation

suggests soakaways as a form of discharge. This soakaway must be conditioned to be at least 5 m away from the highway. The width of the driveway of 4.5m is an acceptable width for two vehicles to pass with care.

MCC Planning Policy Team - the site is located in the open countryside where there is a general presumption against new built development, as set out in Policy LC1. In this case, the change of use would not have any adverse visual impact in the landscape and there are no new build elements, only minor amendments such as glazing to existing openings and an additional window etc. Policy LC1 is not therefore applicable. Policy RE2 relates to the conversion or rehabilitation of buildings in the open countryside for employment use; while the proposal does not specifically relate to an employment use the criteria of this policy are considered to be of relevance and must therefore be considered. It would need to be determined why the barn is no longer required for its original purpose and in particular, whether it has been used for its intended purpose since construction. Strategic Policy S16 and Policy MV2 relate to sustainable transport access and must be considered. While it is noted there will be no more than 20 pupils at the school and that they will travel to the site by minibus/car collectively, no information is provided on the levels of staff or visitors travelling to and from the site. The site is not located in a particularly sustainable location in terms of facilities and would likely be accessible in the main by car only. Policy MV1 should also be considered relating to proposed developments and highway considerations. There is no specific policy in the LDP relating to provision of car parking; it is noted 17 car parking spaces will be provided as part of the scheme. Colleagues in the Highways Section will no doubt comment further on these matters. The site is located in the Wye Valley Area of Outstanding Natural Beauty; Policy LC4 must therefore be taken into consideration. Policy LC5 relating to the protection and enhancement of landscape character must also be considered, along with, Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively.

MCC Biodiversity Officer - the site has been subject to a hedgerow assessment including consideration of protected species. Monahawk Barn, Hazeldene, Monmouth- Hedgerow assessment (Ref – A092818) dated 10th March 2016 produced by WYG environment. The assessment is considered sufficient to make a planning decision. The hedgerows surveyed were not found to be ecologically important as specified in the Hedgerow Regulations 1997 but do provide habitat for protected species. There are no adverse comments to the proposals subject to the proposed conditions being imposed on any consent outlining that the work needs to be conducted in accordance with the submitted method statement and that a landscaping scheme is submitted.

Dwr Cymru-Welsh Water – no objections subject to the outlined conditions and informatives.

Gwent Police – No objections to the proposals. The development should be developed in accordance with the Secured by Design ‘New Schools 2014’ guide.

4.2 Neighbour Notification

There have been 17 letters of objection to the proposals which have outlined the following comments: -

- The public access road is single track with a 60mph speed limit and inadequate for the proposed use with no pedestrian access path along the road
- The access point and additional traffic would increase the risk for accidents with the access already being sited on a blind bend
- The road is already used by pedestrians who have to negotiate hazards with care hazards; this additional traffic would increase the risk to highway safety.
- The increase in volume of traffic on Common Road would be unacceptable; additional traffic would cause significant problems
- Common Road is not wide enough and has few parts along its length where a large vehicle may safely pass another
- The increased vehicle activity would increase noise and light pollution in the area
- Concerns over the future use of the building as the owner's priorities change over time
- Concerns over vandalism, verbal abuse and anti-social behaviour from the users of the educational facility
- The facility is not required for local purposes as the students would come from neighbouring counties; the need for local provision is misleading
- The siting of the school in Mitchel Troy Common is inappropriate
- The application is not clear as to the type of person that would utilise this facility; concerns over anti-social behaviour
- Concerns over the crime rate increasing in the area given this and adjoining application for a care home
- Why is there a need for another school and residential unit given the Talocher site is so close?
- Amenity impact of the development on neighbouring properties
- The development would be incongruous with the area and would have a profound impact on the character and appearance of the Wye Valley Area of Outstanding Natural Beauty contrary to Policy LC4 of the Local Development Plan (LDP).
- A previous application at the site for a stable block was refused and dismissed at appeal due to poor access, landscape impact, neighbour impact and visual impact on the Wye Valley AONB
- The visual amenity of the neighbouring properties would be harmed
- The loss of the mature hedgerow for the creation of the visibility splay would be unacceptable and harm the character of the rural area
- The car park area is visually detrimental to the appearance of the Wye Valley AONB.

Other objections raised are not material planning considerations, such as the concern regarding property prices.

There was one letter of support received for the application from a co-owner of Hazeldene that outlined the following: -

- Bring employment to the area which is greatly needed.
- Rural environment will greatly benefit the residents and be a wonderful location for an educational centre. My four children have definitely benefitted from living in these surroundings with its close proximity to town and all its amenities.
- The holiday let accommodated six guests and was regularly full to capacity, there were also six family members living in the main house and we often had relatives staying over, we never had any complaints regarding noise or disturbances, the property is sufficiently tucked away not to be a problem to neighbours.
I can remember there being objections against a family opposite with four noisy, boisterous children moving in to the area years ago, I was asked to sign a petition to have them evicted, I refused to sign the petition as they were just children wanting to play, these children have since grown up and remain in the area, they have now been fully accepted and integrated into the community and I feel the new residents via The Priory Group will also be accepted and form an important part of the community with time.
- I lived at Hazeldene from 2001 with my ex-wife for many years and she still resides at the property with our four children. Neither we nor our guests have ever had any accidents involving vehicles or access issues during all that time

4.3 Other Representations

No response to date

4.4 Local Member Representations

No response to date

5.0 **EVALUATION**

5.1 Principle of development

- 5.1.1 The existing stone barn which is utilised for a stable was given consent in 2005 and was constructed in accordance with the approved plans as outlined in M/10866. The application seeks to change the use of the stable block for an educational use (Use Class D1) for a small school for pupils with learning difficulties and who may reside in care homes in the local area. Policy RE2 of the Local Development Plan (LDP) outlines that proposals for the conversion of existing buildings into an employment use would be permitted subject to certain criteria. The proposed educational use would provide a level of employment for teachers and associated workers at the site and provide a community educational facility that would benefit pupils with specialist requirements. The existing building would not be altered significantly and could accommodate the proposed use with only minor alterations to the fenestration. The impact of the proposed change of use on the building itself would be minimal and its impact on the rural landscape would not be significantly different

from the existing impact. Accordingly, the proposed change of use would be in accordance with criteria a), b), c) and f) of Policy RE2 of the LDP. The existing stone barn has been utilised for its intended purposes for more than five years and the proposed change of use would provide employment and educational uses within the open countryside to the benefit of local communities and vulnerable people who need support. The proposed change of use is considered to be in accordance with criterion d) of Policy RE2 of the LDP.

5.1.2 The proposal would utilise an existing field access and the application also seeks to make alterations to create a gravel hardstanding parking and turning area to serve the proposed small specialist school. The hardstanding area would have an impact on the visual amenity of the rural landscape as it would be relatively large and introduce a level of urbanisation to the area, but on balance it is considered that this impact could be mitigated sufficiently with an appropriate landscaping scheme to screen and soften the appearance of the proposed parking area. If consent was granted it would be on the condition that the car parking area is of gravel construction only involving no markings to identify car parking spaces, with an informal approach being considered appropriate. A firmer surface may be required for the disabled spaces and this can be discussed through a further discharge of condition application. The car parking area would be enclosed with timber post and rail fence which is appropriate for this rural location and in addition to this an extensive landscaping scheme would be required to screen and soften the car parking area. It is considered that if the area was sensitively softened with landscaping it would have an acceptable visual impact on the area and as a result the proposal including curtilage and access, would be in scale and sympathy with the surrounding landscape in accordance with criteria e) of Policy RE2 of the LDP. The alterations to the existing access would be relatively minor and the existing hedgerow would be conditioned to be translocated to ensure that the character and appearance of this rural area would be retained. The proposed development would harmonise with the largely rural landscape subject to these mitigation measures and would not have an unacceptable visual impact on the character and appearance of the area. The proposed development is considered to be in accordance with the objectives of Policy RE2 of the LDP in that the scheme involves the sympathetic conversion of a building for employment use without having an unacceptable impact on the characteristics of this semi-rural area.

5.1.3 Although Mitchel Troy Common is considered to be within the open countryside in relation to settlement planning purposes, the site is close to the main road network to Monmouth and the wider area and the site is not considered to be particularly isolated. The school would be a specialist facility that would care for vulnerable pupils to meet their education requirements and, on balance, it is considered that the proposed change of use would be in accordance with some of the wider objectives of the LDP “by providing, protecting and enhancing community facilities and open spaces to assist in promoting sustainable communities in Monmouthshire.” The principle of the proposed change of use of the existing stone barn into a small-scale specialist school to provide employment and education to pupils with specific needs is considered to be

acceptable and would be in accordance with the requirements of Policy RE2 of the LDP.

5.2 Visual impact of development and impact on the Wye Valley Area of Outstanding Natural Beauty (AONB)

- 5.2.1 The existing stone barn is not particularly prominent within the wider area given the location of the woodland area to the east, the topography of the site and surrounding area and the mature hedgerows along the boundaries of the site. It is not considered that the proposal would have an unacceptable visual impact on the area to warrant refusing the application. The barn is set back from the adjacent road and surrounded by woodland to the east. It is of traditional form, scale and construction involving traditional materials. The proposed alterations to the stone barn would be minimal and the structure's visual appearance would be relatively unchanged. The insertion of windows and glazing would not have an unacceptable impact on the building or the area and sympathetic timber openings would harmonise with the locality. The main alterations within this application relate to the creation of the car parking area and the alterations to the access both of which have been evaluated in 5.1, above. The proposed gravel hardstanding area would be enclosed with a simple post and rail timber fence and providing that an extensive landscaping scheme is submitted it is considered that its impact on the wider area would be acceptable. Subject to the submission and implementation of a landscaping scheme at the site it is not considered that the development would have a detrimental impact on the wider area. In this sense, the proposal development would respect the existing form, scale, siting, massing, materials and layout of its setting in accordance with the objectives of Policies EP1 and DES1 of the LDP.
- 5.2.2 The site lies within the village of Mitchel Troy Common which is semi-rural in character. Given that the site is located in close connection to the built environment of the village, together with the natural screening in the area and the topography of the area the proposed development would not have any unacceptable effects on the wider landscape which lies within the Wye Valley AONB. The proposed development would be viewed in connection with the village and given the scale of the development its impact on the natural beauty of the Wye Valley would be minor. The proposed development would result in the existing mature hedgerow being translocated to the east to provide acceptable visibility splays in both directions. The character of the semi-rural settlement would be retained with the translocation of the mature hedgerow and the insertion of the grass verge (not uncharacteristic of the area) which would also improve visibility in the area. The visual impact of the proposed access alterations are not considered to be detrimental to the character of the area and would improve highway safety in the area. The proposed development would not be detrimental to the character and appearance of the Wye Valley AONB and would be in accordance with Policy LC4 of the LDP.
- 5.2.3 An application for a stable block at the site was previously refused and dismissed at appeal under application DC/2010/00325 but this refusal was based on the landscape impact of additional buildings on the site and the cumulative impact of the additional buildings with the existing stable that is part

of this application. This application is materially different and relates to the conversion of an existing building, and it has been assessed that the landscape impact is acceptable as outlined above in section 5.1 and 5.2.

5.3 Access and highway safety

5.3.1 The proposed school would utilise an existing field access point with improvements to its visibility splay with the moving of the existing hedgerow line as outlined on the submitted site plan 002. The proposed access point is considered to be acceptable and provides the required visibility in both directions along the road. The scheme has been amended since the original submission to improve the access to ensure that it was in accordance with the Council's Highways Officer's comments. The alterations to the existing access point would have an acceptable visual impact and the access is considered to be appropriate for this rural location and would not have a detrimental impact on highway safety. The proposed development would be for a small-scale specialist school and the applicants have outlined that pupils would be transported to the site predominantly using a minibus. The application is providing car parking facilities for staff and also for people to drop pupils at the site. The applicant has provided adequate parking provision in accordance with Monmouthshire's Supplementary Parking Standards allowing for four spaces for teaching staff, one space for two ancillary staff members, one space for a commercial vehicle, five spaces for visitors and four for potential pupils. Although it is not appreciated that the pupil's spaces would be utilised given that pupils would mainly travel to the site via minibus. Given the limited scale of the specialist school it is not considered that it would result in a significant amount of additional traffic within the area to warrant refusing the application. The school would predominantly generate traffic during certain times of the day and only in term time. As the majority of pupils would be transported by minibus traffic movements would not be excessive. The Council's Highways Officer has reviewed the application, including the traffic statement and has no objection to the traffic implications of the development. Given that the proposed school would mainly use a minibus to transport pupils to the site this would reduce the need for cars and would be a more sustainable method to transport children to the site. This mode of transport would have a reduced impact on the road network and would be in accordance with the objective of Policies S16 and MV2 to encourage sustainable forms of transport. The proposed development would not create significant and unacceptable additional traffic growth, provides sufficient parking in accordance with the County's Parking Guidelines and offers an adequate access point. As such, the development would be in accordance with Policies S16, MV1 and MV2 of the LDP.

5.4 Residential amenity

5.4.1 The proposed small-scale specialist school would not have an unacceptable impact on the residential amenity of the neighbouring properties. There are no immediate neighbours of the site and therefore the development would not result in any overlooking issues and nor would it adversely affect the privacy of any party. The proposed development would be in accordance with Policy EP1 of the LDP.

5.5 Response to Mitchel Troy Community Council

5.5.1 Mitchel Toy Common is designated as a minor village as outlined with Policy S1 of the LDP and there is a presumption against new build development within the open countryside as outlined in Policy LC1. However this application seeks to convert an existing building into a small-scale specialist school and relates to the change of use of an existing structure; there is no new built development. As outlined in section 5.1 above, the principle of the proposed development is considered to be acceptable and the development would be in accordance with the spirit of Policy S5 and Policy RE2 of the LDP. The amount of traffic generated by this specialist school is considered to be acceptable in relation to the existing road network. The proposed access is considered to be acceptable and the development is not considered to have an unacceptable impact on highway safety. The Highways Officer has reviewed the proposed development and has not objected to the development. There is no substantive highway reason to refuse the application on highway safety grounds. The proposed development would generate employment and such a facility can also provide benefits to society. Evidence has not been submitted to outline the need for the specialist school, although it is considered that the proposed use is acceptable in planning terms and the development would utilise an existing building to the benefit of society. It would be a private business decision to site the school in this location and the applicants consider that there is a need within the area to site a specialist school in this location. Utilising the existing building for this type of use is considered to be acceptable and would be in accordance with Policy RE2 of the LDP.

5.6 Response to objections

5.6.1 As outlined in section 5.3 the proposal would not have an unacceptable impact on highway safety and would be acceptable. There is no substantive reason to refuse the application on highway safety grounds. The Highways Officer has no adverse comments to the proposals. The change of use of the building would not result in an unacceptable level of noise or light pollution. There would be a condition on any consent to ensure that there are no lights on the existing building. The priorities of the private company may change over time but this would be the subject of further potential planning applications. Concerns over anti-social behaviour in the area are not considered to be fair or reasonable in this instance and are based on conjecture. The Town & Country Planning system manages the land-use of the site only while the applicants/ site operator would have to ensure that the site is managed in a way that means the users of the school do not cause anti-social behaviour in the locality. Gwent Police have been consulted on the proposals and have no objections to the proposed use. The applicants have outlined that pupils would be from the surrounding area. However if pupils were to be enrolled at the proposed school from neighbouring counties this would not be unacceptable. The proposed development would not have an unacceptable impact on the residential amenity of any of the neighbouring parties. The impact of the proposed development on property prices in the area would not be a material planning consideration when

considering this application. As outlined in section 5.2 the proposed conversion of the existing barn into a small-scale school would not have a detrimental impact on the character and appearance of the rural landscape which lies within the Wye Valley AONB. An extensive landscaping scheme would be a condition of any consent to ensure that the visual appearance of the proposed car parking area is not detrimental to the area. The access proposals including the replacement of the hedgerow at the access point have been discussed above. An application for a stable block at the site was previously refused and dismissed at appeal under application DC/2010/00325 but as outlined in 5.2.3 this application materially different and relates to the conversion of an existing building, and it has been assessed that the landscape impact is acceptable as previously outlined in section 5.1 and 5.2.

6.0 RECOMMENDATION: APPROVE

Conditions

1. Standard 5 years in which to commence development.
2. The development shall be constructed in accordance with the approved plans.
3. Prior to the hereby approved school coming into beneficial use the hereby approved access shall be constructed in strict accordance with Drg No 002.
4. No structure or erection or planting exceeding 0.9 metre in height shall be placed, erected or grown in the visibility splay
5. All windows and door frames shall be of softwood painted a colour to be agreed in writing by the Local Planning Authority and remain as such in perpetuity.
6. All rainwater goods shall be of cast metal and matt painted and remain as such in perpetuity.
7. Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system
8. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
9. Foul water and surface water discharges shall be drained separately from the site
10. Notwithstanding the hereby approved plan Drg. 002 the existing mature hedgerow shall be translocated to the line of visibility outlined on Drg. 002. The translocation shall be conducted in strict accordance with Monmouthshire's Translocation Hedgerow guidelines. If the hedge is not successful the a native mixed hedge in accordance with Monmouthshire Hedge Planting guidance notes shall be planted within the visibility splay of the hereby approved access up to the proposed field gate.
11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping , which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development. The Landscaping details shall include:
 - Planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.
 - Schedule of works for the translocation of the hedgerow, location thereof, protection measures, monitoring, aftercare and maintenance.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter. Any deviation from the details shall be agreed with the Local Planning Authority prior to the commencement of that deviation.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
13. No development shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall be carried out prior to the beneficial use of the approved development.
14. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached to or be positioned in the curtilage so as to illuminate the elevations of the building.
15. No clearance of areas suitable for breeding birds eg hedgerows, scrub and trees, shall take place between 1st March and 31st August to avoid unlawful disturbance. However, clearance may take place during these months when preceded by a search for nesting birds and if necessary, mitigation has been implemented in accordance with details to be approved in writing by the Local Planning Authority before works commence on site.
16. The works will be carried out in accordance with the recommendations and method statement for hedgerow translocation provided by the document titled 'Monahawk Barn, Hazeldene, Monmouth- Hedgerow assessment (Ref – A092818) dated 14th March 2016' produced by WYG Environment.
17. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than any expressly authorised by this permission) shall be erected at the site without the prior approval of the Local Planning Authority.
18. Notwithstanding the provisions of Article 3, Schedule 2, Part 32 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no extensions or other alterations shall take place at the site without the prior approval of the Local Planning Authority.
19. The premises shall be used for the approved purpose only, that is as a specialist school and for no other purpose including any other purpose in the same use class (Use Class D1) of the Town and Country Planning Order 1987(as amended) or any subsequent order that modifies or revokes that order.
20. Prior to the commencement of development full details of foul drainage and surface water drainage shall be submitted and agreed in writing with the Local Planning Authority.

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DC/2015/01380

RETENTION OF AN ACCESS TO ALLOW FARM VEHICLES TO ACCESS PROPERTY WITHOUT OBSTRUCTING THE HIGHWAY AND PUT IN A RECYCLED HARD CORE TRACK ACROSS THE FIELD LINKING TO THE FARM BUILDINGS

TY PENGAM, LLANFAIR KILGEDDIN

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst
Date Registered: 04/01/2016

1.0 APPLICATION DETAILS

The application seeks permission for the retention of a field access that has been created to allow farm vehicles access to the existing farm buildings at Ty Pengam. The application was received as a result of an enforcement case for the alleged unauthorised works to the site. Development had been carried out to create a field access and associated works to the site so that access was made easier to the farm buildings to the west of the site. The width of the access that has been created on site measures 9.5m wide. There is a metal five bar gate set back from the highway by 6.5m and wooden rail fencing enclosing the site. There is a track across the field to the farm buildings.

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 & Design

S16 – Transport

Development Management Policies

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

MV1 – Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llanover Community Council – objects to the development as it is not accepted that there has ever been an entrance from/exit from the site and there is no justification for a track across the field to the alleged access. An entrance onto the B4598 is not necessary and would be dangerous bearing in mind the proximity of the junction with Pengam Lane.

MCC Highways - we can find no evidence that an access has existed at this location for the past 100 years. Plans and aerial photos show a continuous hedge line.

The new access is immediately opposite a point of access to two fields on the other side of the highway. I am therefore making comment in relation to a new access. The applicant must show available visibility splays from the access point and draw these on a plan so they can be conditioned accordingly. The surface material is adequate for inside the site but the applicant must be made aware that S184 agreement must be complied with and surfacing up to a revised gateway position. The gate must be set back 12m from the edge of highway and not the 6m as constructed; this will satisfy safety of the highway. Therefore we await upgrade plans showing a reposition of the gate and visibility lines drawn accordingly. It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

4.2 Neighbour Notification

No objections received during the consultation period. A site notice was also placed on site.

4.3 Local Member Representations

No direct comments have been received on the application but the Local Member has enquired about the progress of the application for the Community Council.

5.0 **EVALUATION**

5.1 Principle of the proposed development and visual amenity

The application was submitted as a result of an enforcement case for the alleged unauthorised works at the site. The applicant stated that they had widened an existing access but after some investigation it was apparent that the entrance into the site had been created so that larger vehicles would have better access to the farm buildings at Ty Pengam. Therefore the application is being dealt with as a retention of gated access and associated works. The initial submission showed the access measuring 9.5m and gates set back from the highway by 6.5m.

It is considered that the visual impact of the proposed development would not be detrimental to the character and appearance of the rural landscape, even as modified under the splay and access arrangement required by Highways (see par. 5.2 below). The access would be used in connection with the farm buildings and for no other purpose and agricultural accesses, as is proposed, are not uncommon features in the countryside. The hedgeline either side of the access is rather patchy adjacent to the highway and it is proposed that native hedge species be planted to ensure that the existing character and appearance of the rural highway is maintained. In addition a newly planted hedge will be positioned along the stock fencing towards the gate so that the development appears more rural and in keeping with the area. The proposed development would not have a detrimental impact on the area and would be in accordance with policies in the Local Development Plan, including EP1 and DES1.

5.2 Highway Safety

Following a consultation response from our Highways Officer it is noted that a new field access had been created rather than the widening of an existing access. Its current state would not comply with highway safety and therefore visibility splays have been

requested for the access to comply with highway standards. After discussions it was requested that the visibility splays to the access were amended to comply with Highway requirements as the existing access splay is substandard. The applicant has since revised the proposed visibility splay in accordance with guidance from Highways and this has been accepted by the Highways Officer. The proposed access would be altered to show the access being widened from 9.5m wide to 16.5m wide, the gate would be set back 12m from the highway and the gate width is proposed to be 4.5m. The proposed visibility splay would improve highway safety in the area and therefore in this respect is considered acceptable. The proposed alterations and improvements to the existing access are acceptable and in accordance with Policy MV1 of the Monmouthshire Local Development Plan.

5.3 Response to the Representations of the Community Council

The application is being dealt with as a retention of an access and associated works rather than widening of an existing access as originally submitted by the applicant. Through their correspondence their main issue was that there was no existing access - a matter which has been clarified and dealt with. Other matters raised suggested the access was a danger to highway safety, and this aspect this has been addressed by the Council's Highways Officer and new visibility splays to the site have been proposed subject to the agreement of Highways. The proposed visibility splays are acceptable and will be implemented subject to the outcome of this application. The proposed improvements to the access would ensure that any additional traffic generated would ingress and egress from the field safely.

6.0 **RECOMMENDATION:**

Conditions/Reasons

1. This development shall be completed within 4 months of 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. All planting, seeding or turfing comprised in the approved details of landscaping to the existing hedgeline and the proposed newly planted hedgeline shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. The access to the site shall be used for agricultural use only and for no other purpose.
5. No structure or erection or planting exceeding 1 metre in height shall be placed, erected or grown in the visibility splay shown on drawing 'Proposed access – Ty Pengam' 1:1000@A3.

Reasons

1. To ensure the development is carried out in a timely manner in the interests of highway safety.
2. To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3. To safeguard the landscape amenities of the area.
4. In the interests of highway safety

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DC/2015/01431

DEMOLITION OF EXISTING INDUSTRIAL SHEDS AND THE ERECTION OF 60 NO. BEDROOM HOTEL, 6 NO. TWO BED SERVICED HOTEL APARTMENTS, 3,700 SQ.M DESTINATION SPA, ANCILLARY MIXED USE DEVELOPMENT (UP TO 3,000 SQ.M), ENERGY CENTRE, LANDSCAPING, CAR PARKING AND OTHER ANCILLARY DEVELOPMENT; ALSO RESERVED MATTERS FOR ACCESS APPROVAL

VALLEY ENTERPRISE PARK HADNOCK ROAD MONMOUTH, NP25 3NQ

RECOMMENDATION: REFUSE

Case Officer: Craig O'Connor

Date Registered: 27/11/2016

1.0 APPLICATION DETAILS

- 1.1 The site is located to the west of Monmouth town centre and forms part of Hadnock Road Industrial Estate. The site is approximately 5ha in area and accommodates four large industrial sheds and associated hardstanding areas. The existing use of the site is for general industry (Use Class B2) however the site has been vacant for over eight years. The vehicular access to the site is off Hadnock Road which connects to the A4136 which is to the south of the site. The site is enclosed by the River Wye to the west and there are a mix of different uses in the surrounding sites including residential, industrial, offices and educational uses. The site lies within the Monmouth development boundary and is allocated as a Protected Employment Site under Policy SAE2 of the Local Development Plan (LDP). The site lies entirely within Flood Zone C2 (undefended flood plain). It is adjacent to the AONB.
- 1.2 The proposal is for demolition of the existing industrial buildings and the construction a new 60 bedroom hotel, six serviced hotel apartments (each containing two beds), a spa, ancillary mixed use development, an energy centre, landscaping, car parking and other associated works. This application seeks outline consent for the principle of the proposed development with the access and the scale of development being considered at this stage. The appearance, landscaping and layout would all be reserved matters for consideration at a later date if this outline application were to be approved. The proposed spa facility would provide spa pools, fitness studios, relaxation rooms, clinic and treatment rooms and associated spa retail. The mixed use building would accommodate ancillary uses that would function in association with the spa and would include uses such as a cookery school, wellness clinic and associated hairdressers. The applicants have outlined that the uses within this building could be conditioned. The proposed serviced apartments would be utilised for holiday purposes only and would not be permanent residential properties. This too could be controlled by condition.
- 1.3 The proposed plans outline that there would be two main access points to the site directly off Hadnock Road. The submitted layout plans outline that the

proposed energy centre would be sited in the northern part of the site, the hotel and spa would be located in a central location and the ancillary mixed use building and hotel apartments would be sited to the south. The plans also outline the general proposal for landscaping of the site and associated car parking and overspill car parking areas which could accommodate 280 cars. The hotel and spa would generally be two storeys in height and there would be a maximum ridge height of 15m with the minimum finished floor level being 20.15m AOD. The proposed mixed use building and serviced apartments would have a maximum ridge height of 17m and minimum finished floor level measuring 20.15m AOD. The mixed use building would be three storeys high and the serviced apartments would be two storeys. The applicant was requested to submit streetscene plans to illustrate the proposed appearance of the buildings and on these plans the ridge is shown as approximately 12.5m high. The exact scale of the building would be determined by the overall design and appearance of the development which would be a reserved matter. The application also includes the construction of an energy centre that would accommodate a combined heat and power (CHP) generator. The proposed building would measure approximately 300sq metres and it would be between 7 and 10 metres in height, with a finished floor level of 21.05m AOD. The plant would also include a flue the height of which would depend on further assessment, although at the most the flue would be 21m high (11m higher than the building) with a diameter of 840mm. Details of how the CHP plant generates energy has been submitted within the application. The CHP plant would service the hotel and spa's heat, steam and water requirements, as well as generating electricity for the site. It could provide up to 4MW of electrical power with excess power being fed into the local grid connection.

2.0 RELEVANT PLANNING HISTORY

DC/2014/00676 Partial change of use from B2 to sui generis and the associated equipment for standby, top up or reserve energy generation. Previous application DC/2012/00052 - Withdrawn April 2014

DC/2012/00052 Application for partial change of use from B2 to Sui Generis and the associated equipment for standby top up or reserve generation - Withdrawn April 2014

DC/2011/00142 Use of site for biomass recycling centre - Approved April 2011

DC/2010/00658 Change of use of an existing factory/warehouse building and the addition of an exhaust vent stack to accommodate a renewable energy generation facility - Refused February 2012

DC/2007/00613 Change of use - timber yard to cycle hire; placement of two storage containers - Permitted development February 2008

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S6 Retail Hierarchy
- S8 Enterprise and economy
- 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

- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- SAE2 Protected Employment Sites
- E1 Protection of existing Employment Land
- SD3 Flood risk
- G11 Green Infrastructure
- NE1 Nature Conservation and development
- LC4 Wye Valley Area of Outstanding Natural beauty
- LC5 Protection and enhancement of landscape character
- RET4 New retail proposals
- MV1 Proposed development and highways considerations
- MV2 Sustainable transport Access
- SD2 Sustainable construction and energy efficiency
- EP2 Protection of water sources and water environment
- SD4 Sustainable drainage
- EP5 Foul sewerage disposal

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council – recommends approval; the CHP plant should not be expanded / used in the future as a diesel or biomass generation plant.

Natural Resources Wales – the planning application proposes highly vulnerable development – a hotel - within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye. Our records also show that this site has previously flooded from the River Wye during the 1947 flood event. We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15).

The addendum has confirmed that all proposed buildings on site will remain flood free in the predicted 1% (plus climate change) annual probability flood event. The predicted 1% (plus climate change) flood level is 19.47m AOD and the proposal intends to raise all the buildings to a minimum level of 20.15m

AOD. However this mitigation measure does not extend to the external areas of the site, including the car parking areas and internal access roads. Having considered the risks and consequences of flooding and the hazard ratings to the entire site, and specifically to the car parking and internal roads, it is our advice that flood risk cannot be acceptably managed.

NRW objects to the principle of the development and that it has not been demonstrated that the proposed development is in line with criteria set out in TAN15.

MCC Highways Officer - although we have concerns from a highway perspective particularly regarding the traffic impact and lack of sustainable travel provision, particularly pedestrian and cycling provision, we consider that due to the site's extant use we would be unable to substantiate an objection to the proposal on highway grounds subject to the suggested conditions. Through the trip rate comparison between the site's extant, allocated and proposed use it has been identified that the proposed development will have fewer two-way trips during the AM and PM peak periods. Through assessment of the data obtained on the existing traffic flows, junction capacity analyses and queue lengths on the existing highway network the transport statement concludes that the traffic generated by the proposal will have no detrimental impact on the existing traffic flows on the existing highway network. Despite the findings in the Transport Statement we as Highway Authority are still very mindful of the ongoing congestion experienced in this particular area and are unconvinced that the additional traffic generated by the proposed development will have no significant impact on the existing network. However, we are mindful that the application site has existing allocated B1 Business and B2 Industrial land uses and therefore we are unable to object to the application on the grounds that the proposed development will generate significantly less traffic than would be generated should the site be redeveloped under its existing allocated use.

MCC Biodiversity Officer – based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision. It is worth noting that despite the perceived low ecological value of the site, it is very sensitive due to the presence of Protected Sites nearby and the presence of Protected Species on and adjacent to the site. There are no objections to the proposals subject to the proposed conditions and informative.

MCC Green Infrastructure Team – there are no objections to the proposals. A Green Infrastructure Strategy has been submitted to support the application in accordance with LDP policy GI1. The strategy sets key principals for taking forward the detailed design work at the Reserved Matters stage and reviews GI assets and opportunities including landscape and ecological links. The proposal has positively and comprehensively through the GI Strategy addressed landscape setting and quality of place through the provision of a high quality design both in terms of the built structure which has been sensitive in height, massing and scale to ensure the proposal is not intruding on the profile of the town or surrounding landscape and has also sought to incorporate quality materials in the structure. There will also be a significant increase in the amount

of green space incorporating new planting together with reinforcement of the existing woodland along the riverside which will supplement the overall Green Infrastructure provision of the site together with proposing long term management.

MCC Planning Policy Officer - the site is located within the Monmouth Town Development Boundary on a Protected Employment Site where Policy SAE2 of the Local Development Plan (LDP) applies (SAE2m). The criteria set out in Policy E1 relating to the Protection of Existing Employment Land must therefore be taken into consideration, which if satisfactorily addressed could enable a change of use to non-B uses. The marketing exercise and economic impact report submitted should be considered in order to determine whether the relevant criteria have been fully addressed. Strategic Policy S8 provides support in principle to the proposal subject to detailed planning considerations. The addition of over 100 full time equivalent jobs would be welcomed (the exact figure is not known, the planning statement refers to 120 and the economic statement to 167). The site is located within Zone C2 floodplain as shown by the latest Welsh Government TAN15 maps, Policy SD3 relating to Flood Risk therefore applies. It is considered that as the proposed development is a form of 'highly vulnerable development' it would be contrary to both Policy SD3 and national planning policy as set out in TAN15.

MCC Environmental Health Officer – No objections to the proposals subject to the suggested conditions and informative.

MCC Business Insight Manager – Valley Enterprise Park is the only industrial site in Monmouth that has significant spare capacity for B2 uses, given that there is very little other vacant property of this kind in and around the town. My starting position on this development has therefore been a desire to see the existing industrial premises retained on the site. We continue to receive enquiries from businesses seeking properties suitable for B2 uses, although they usually tend not to require large premises. I had contact with two of the businesses that showed an interest in this site in autumn 2014 and have no reason to doubt the level of interest indicated in page 12 of the marketing report. Furthermore, I am not aware of there having been any interest in the site as a whole since September 2011. However, I also have the following observations:

- Quite a number of the buildings on the site now appear to have been deleted from the business rates register or given a zero rateable value by the Valuation Office Agency
- Given the business rates status of these buildings it is hard to imagine that they would be considered commercially attractive by many businesses looking for alternative premises
- On the basis of the repair quotes provided in appendices 7-11 of this report it is also hard to see how the existing premises can be returned to an economically viable state
- It is also unlikely that the site would be redeveloped for B1/B2/B8 uses given the economic challenges associated with speculative developments of this kind and scale

Given all of the above, I suspect there is little prospect of the site being brought back into industrial use in the future and I therefore have no objection to this

proposal. Furthermore I would welcome the economic and employment benefits that the project would bring to the town.

MCC Tourism Officer – fully supports the proposals and outlines how the proposed development would address a specific lack of hotel accommodation in Monmouth and it would deliver more robust, less seasonal and less weather-dependent future tourism growth. The proposed development also has the potential to deliver wider benefits to the destination. Destination hotels like this can help put a town ‘on the map’ and draw new business. Whilst they could be seen initially as a threat to existing hotel and visitor accommodation providers, potentially eating into their market share, this could be positive, in terms of shaking up existing operators, making them re-evaluate their offer and pricing policies, and encouraging them to invest and to differentiate themselves to secure their corner of the market. In some cases new hotels can hasten the exit from the market of poor quality accommodation businesses, which could be good overall for Monmouthshire’s reputation and visitor satisfaction ratings.

MCC Emergency Planning Manager – Awaiting comments on the flood management plan which will be presented to the Committee as late correspondence. Flood Management Plan received in April 2016.

Welsh Government Transport – no objections to the proposals as the traffic generation would be significantly less than that likely to be generated by the extant planning permissions. There is no new access proposed directly onto the trunk road network.

Cadw – considers that the proposed development will have no impact on the designated historic assets outlined within their correspondence.

Dwr Cymru-Welsh Water – no objection to the positive determination of the application subject to the suggested conditions and informative outlining that a full drainage scheme should be submitted and approved prior to the commencement of development.

Gwent Wildlife Trust – issued a holding objection as there are concerns that there is insufficient information on the protected species issues and proposals for mitigation and habitat enhancement.

Glamorgan Gwent Archaeological Trust – no objection to the positive determination of the application subject to the suggested conditions and informative.

Gwent Police Traffic Management Officer – There are concerns relating to the road network that will be used to access this area when completed. The development would greatly increase vehicle numbers which would lead to road safety issues.

Gwent Police Community Safety Officer – No adverse comments to the proposals.

4.2 Neighbour Notification

There have been three letters of objection to the application and 86 letters of support.

The letters of objection have outlined the following concerns with the proposals:

- The increased traffic would have a detrimental impact on the existing road network particularly at peak times
- The existing bottleneck at Hadnock Road and on Wye Bridge is already heavily congested at peak times.
- The proposed CHP unit would require engineering work to create industrial grade supply to the site.
- Concerns over the need for the CHP and its size and whether additional plants would be required in the future.
- The CHP would generate noise and harmful emissions

The letters of support outline the following:

- The development would be an asset to the town
- It would bring employment opportunities into the area
- Excellent addition to Monmouth's existing facilities
- It would generate less traffic than the existing historic use
- The development would enhance the visual qualities of the area
- The development would support the local economy and create jobs.
- It raise the town's profile and help sustain the Monmouth economy
- It would encourage visitors to the area and provide a high quality hotel in the vicinity of the AONB and heritage assets.
- Local artisan producers would benefit from supplying the high end restaurant
- Monmouth is short of accommodation for visitors and this hotel would meet this need
- The development regenerates the area of river bank that has fallen into disrepair and is an eyesore
- The introduction of the hotel to the area would benefit other local businesses.
- There needs to be a consideration of the construction phase of the development in terms of traffic controls

Within the letters of support there were three letters that did raise concerns with the energy centre aspect of the proposed development and the following comments were made:

- The energy centre is excessive for the hotel/spa
- The CHP would create additional emissions
- Concerns whether this development will come forward and the CHP unit will just be built
- The scale of the CHP is excessive and could it be expanded in the future?

4.3 Other Representations

Monmouth Chamber of Commerce – fully supports the proposals and outlines that if the plans are approved it will increase local employment, further improve the economy of the town through increased tourism and continue to raise the profile of the Monmouth brand.

4.4 Local Member Representations

None received to date

5.0 **EVALUATION**

5.1 Flooding

5.1.1 The principle of the development is considered to be unacceptable based on the flooding issues relating to the proposed development and the site. The proposed hotel is categorised as a form of ‘highly vulnerable’ development within Technical Advice Note (TAN) 15 - Development and Flood Risk, and the site lies entirely within flood zone C2. TAN15 clearly outlines that highly vulnerable forms of development should not be permitted in flood zone C2 areas. Policy SD3 also outlines that highly vulnerable forms of development would not be permitted in this flood zone. The principle of the proposed development being sited in this particular location is therefore contrary to both TAN 15 and Policies S12 and SD3 of the Monmouthshire Local Development Plan.

5.1.2 Natural Resources Wales (NRW) has formally objected to the proposals and NRW is the Local Planning Authority’s expert advisor on flooding grounds. As such, NRW’s professional advice is normally accepted unless there evidence to warrant a different view or other material planning considerations are considered to outweigh this (significant) objection. NRW considers that the proposed development would be subject to an unacceptable flood risk and in addition, the applicants have not demonstrated that the risks can be acceptably managed. The proposed hotel is a highly vulnerable form of land use that would not be appropriate for this particular site which is liable to flood and cause risk to human life and property.

5.1.3 The submitted Flood Consequences Assessment (FCA) has outlined that the buildings would be flood-free. The predicted 1% (plus climate change) flood level is 19.47m AOD and the proposal involves raising all the buildings to a minimum level of 20.15m AOD. However the mitigation measures do not extend to the external areas of the site, including some of the car parking areas and internal access roads. The applicants have amended their proposals since NRW’s consultation response and have increased the level of the proposed car parking areas associated directly with the hotel element to 19.47m AOD to meet the 1 in 100 year event. However TAN15 (A1.14) states that all new development, regardless of vulnerability, should be flood free in the 1% plus climate change event and the FCA has not demonstrated that all of the parking areas and internal roads would be flood free. There are concerns relating to whether the access road off Hadnock Road would also flood in the 1 in 100 event and NRW have confirmed that during the 1% plus climate change event,

the site and the access should be classed as 'Danger for all – includes the emergency services'. NRW are of the view that the proposed access route along Hadnock Road would also become flooded during a flooding event. This would result in the proposed hotel not being accessible with people not being able to leave the site and emergency services not being able to get access to the site.

- 5.1.4 The applicants have provided a Flood Response and Management Plan (FRMP) that outlines that there could be an alternative exit route through the school but this route is also at a level of 17.66m AOD and would potentially also flood. Moreover, should a flood event occur, then there is a likelihood that the school site will also be evacuating, resulting in vehicle conflicts with hotel guests/staff attempting to pass through this private site, or a risk that (if during school holidays, evenings or weekends, that the school site is locked shut.
- 5.1.5 The submitted FRMP outlines that if guests/staff cannot evacuate they can remain within the hotel building. The document also outlines how the car parking areas within the 1 in 100 year event would not be overnight parking spaces and there would be precautions in place to remove vehicles from the site in the case of a flood event. After reviewing the FRMP and considering NRW's response and the fact that the access along Haddock Road and some elements of the site would not be flood free in the 1 in 100 year event, the development would result in an unacceptable level of flood risk to its visitors. The hotel would be isolated in the event of a flood and emergency services would find it difficult to access the site. Consideration needs to be given to the fall-back position as an employment site which would involve people working and vehicles parking within the flood plain and at a lower level, and therefore greater risk, than the proposed hotel. However, national planning policy is clear that the proposed highly vulnerable form of development of a hotel is not considered to be appropriate for this particular location which is liable to flood particularly with the impact of climate change. The proposed development is therefore contrary to Technical Advice Note 15 (TAN 15): Development and Flood Risk and policies S12 and SD3 of the Monmouthshire LDP.
- 5.1.6 The applicant has suggested that the proposal offers a further local benefit by using its proposed flood warning system to warn local residents of a proposed flood event and, in the worst case scenario, provide a dry refuge place for residents if their homes are flooded.
- 5.1.7 The applicants have outlined within the submitted FCA that the proposed development would not increase flood risk elsewhere in the locality through the displacement of water and alterations to the topography and have referenced hydraulic modelling prepared by Edenvale Young. The work outlines that flood risk is not increased discernibly off site. However NRW have outlined that this conclusion has not been verified through a review of the hydraulic modelling. If the application is to be recommend for approval this hydraulic modelling needs to be reviewed in more detail to ensure that the conclusions within the FCA are accurate and that the development does not result in additional flood risk elsewhere.

5.2 Protection of existing employment land

5.2.1 The existing site is a protected employment site and Policies SAE2 and Policy E1 aim to protect these sites and retain them for industrial and business use to retain employment opportunities for the locality. Policy E1 of the LDP outlines the following:

Proposals that will result in the loss of existing or allocated industrial and business sites or premises (classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987) to other uses will only be permitted if:

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

The proposed development would result in the loss of 5ha of industrial land. The existing site, however, has been vacant for over eight years and has fallen into poor condition. The demand for this type of large scale industrial unit is not considered to be particularly high in this area. The applicants have submitted a marketing report which outlines that there have not been many potential purchasers of the site coming forward and as a result the site has been vacant for many years. There is a lack of demand for this type of site. The buildings are in poor condition and the marketing report also outlines that they have come to the end of their 'economic life' so that significant investment would be required to renew the 'B' use employment prospects for the site. The report outlines the economically unviable cost of redeveloping the site for business use. It is accepted that the proposal is in accordance with criterion a) of Policy E1 of the LDP.

5.2.2 Criterion b) of Policy E1 of the LDP outlines the need for the County and the Monmouth area to have a sufficient amount of industrial land available for employment requirements. The Employment Sites and Premises Review Addendum (2010) produced by the Council for the LDP evidence base outlined "There was no recorded employment land take up in Monmouth between 1991 and 2009". In addition the site has been vacant for over eight years and thus there is evidence that there is a lack of demand for this type of industrial land in this area particularly given the economic costs of developing the site and the poor access arrangements. The LDP also makes provision for additional industrial land within the Wonastow Road Strategic Mixed Use Site (SAH4) and therefore the local area would retain a sufficient amount of this type of employment land. On balance, it is considered that the area would remain to be served by a sufficient amount of industrial land to meet the employment needs of the area. Thus, the proposal is considered to be in accordance with criteria b) and c) of Policy E1 of the LDP.

5.2.3 The proposed hotel and associated spa development would clearly be a substantial improvement to the amenity of the area. The existing site is vacant and dilapidated and the proposed development would significantly enhance the visual appearance of the site. The proposed development would also introduce additional health facilities for residents in the area through the spa facility and would provide economic benefits to the local area via the creation of jobs and investment to the local economy. The current site has been vacant for many years and is not delivering any jobs or income to the local economy and from the evidence submitted within the application the site is not considered to be likely to be redeveloped as a viable industrial site in the near future. The proposed development would create employment, enhance the site and benefit the local economy and therefore would be in accordance with criteria d) and e) of Policy E1 of the LDP. The business insight Officer for the Council has reviewed the proposals and, taking into account the constraints for this site in attracting employment B-class uses, has no objection to this proposal and welcomes the economic and employment benefits that the project would bring to the town. On balance, given the financial constraints of the existing dilapidated site, the lack of demand for this type of industrial site, the improvements to the visual amenity of the area and the economic benefits of the proposed re-development in terms of employment and investment in the local economy the proposed development is considered to be in accordance with Policy E1 of the LDP and is therefore acceptable in this regard.

5.3 Economic Development Implications

5.3.1 The proposed development would have a considerable positive impact on the local economy of Monmouth. The applicant has outlined that proposed development would create approximately 300 jobs during construction and 120 jobs within the operating hotel, spa and mixed use development. The proposals outline that the hotel would work closely with local tourism businesses and suppliers for goods and services and as such the development would support other local businesses. The development would also increase visitor spending on businesses in the area who would visit Monmouth's town centre and engage with leisure and tourism attractions in the area. The Tourism officer has outlined the potential of the proposed development, "According to Scarborough Tourism Economic Activity Monitor (STEAM) 2014, each serviced bed space in Monmouthshire in 2014 was worth £22,458.79 to the local economy over the course of the year. A new development like this, therefore, which provides 144 new serviced bed spaces has the potential to generate an additional £3.2m pa for the local economy from staying visitors when the hotel opens. This is in addition to spend by day visitors using the leisure and spa facilities, and cookery school."

5.3.2 Within the application the applicants have outlined that the STEAM figures are based on average spending patterns and as this proposed hotel would target higher spend visitor categories and provide comprehensive state of the art spa and wellness facilities the benefit to the local economy could be worth up to £5.6 million per year. The proposed development would create wealth and employment and support existing business and services in Monmouth and the

surrounding area and it would significantly promote tourism in the area. The proposed development would be in accordance with the LDP's strategic Policy S11 which promotes sustainable forms of tourism.

5.4 Highway Safety and existing road network

5.4.1 The existing B2 industrial use of the site is a material consideration when reviewing the proposed implications that the development would have on the existing highway network. The site has been vacant for a number of years and therefore at present the site has no impact on the existing highway network. If an industrial use was reinstated at the site then the amount of additional traffic movements associated with this use would generate high levels of traffic movements that would also include HGV's utilising the local roads. The application was supported by a detailed transport statement that outlines that the proposed development would be acceptable and can safely accommodate the expected traffic associated with the development. The Council's Highways Officer has also reviewed the proposed development and the transport statement and has outlined that "Despite the findings in the Transport Statement we as Highway Authority are still very mindful of the ongoing congestion experienced in this particular area and are unconvinced that the additional traffic generated by the proposed development will have no significant impact on the existing network. However, we are mindful that the application site has existing allocated B1 Business and B2 Industrial land uses therefore we are unable to object to the application on the grounds that the proposed development will generate significantly less traffic than would be generated should the site be redeveloped under its existing allocated use." The proposed access arrangement utilise existing access points to the industrial site that are suitable for HGVs and that have sufficient visibility splays for the proposed use. The plans outline sufficient parking for the proposed use including provision for staff. Given the fall back position of the existing use of the site the proposed development is considered to have an acceptable impact on the existing road network and would be in accordance with Policy MV1 of the LDP.

5.5 Design, Scale and layout of development

5.5.1 This application seeks outline planning consent with the design and appearance of the proposed development being a reserved matter that would be considered at a later date within a reserved matters application, if consent were to be granted. This application does consider the scale of the proposed development via the submitted scale parameters within the outline submission. The proposed hotel and spa development would largely be two storey in height with the proposed ancillary mixed use building being three storeys high. The application was supported by a Landscape Visual Impact Assessment (LVIA) that has assessed the development and which has outlined that the proposals will have beneficial effect on the local landscape character and specific landscape features. The LVIA assessed the hotel and spa building having a maximum height of 15m above the proposed site level and the mixed use building having maximum height of 17m above the proposed site levels. The existing site consists of large dilapidated industrial buildings and therefore the

replacement of these building with well-designed structures would enhance the appearance of the site. The site is well screened by existing trees to the north western boundary which would be retained and continue to screen views into the site. Also the existing large scale buildings that surround the site would also continue to screen it from vantage points from the north, east and south. The LVIA concludes that “the proposals result in a neutral to beneficial effect for both landscape and visual environment and as a whole can be regarded as a great improvement in comparison to the existing situation.” The scale of the buildings has been considered as part of this application and the proposal of a two storey hotel, spa, serviced apartment block and three storey ancillary mixed use development is considered to be acceptable, including consideration of the impact on the adjacent AONB.

- 5.5.2 The proposed ancillary energy centre building would also be a maximum of 10m high although it would also have an external flue that in that in the worst case scenario (depending on health considerations) could be up to 21m in height (11m above the highest part of the building). Given that the proposed flue would be situated in an area characterised by industrial buildings to the north and would be sited on lower land with the land rising to the east and screened by existing trees, its visual impact is considered to be acceptable. The design of the proposed buildings would be considered in more detail within a reserved matters application if consent were to be granted. At this stage, though, the proposed scale parameters of the building are considered acceptable and the development would not have an adverse impact on the wider area.

5.6 Energy Centre

- 5.6.1 The proposed energy centre is an ancillary element of the proposed development that would provide power and heat and could also provide surplus power into the local grid network via the substation adjacent to Hadnock Road. The principle of constructing the combined heat and power (CHP) system is considered to be acceptable and this type of power generation is widely supported by the Government as a way to reducing overall carbon emissions. The Council’s Environmental Health Officer has not objected to the principle of the proposed energy centre and is reviewing the exact details of the levels of emissions and impact on human health and the environment. There have been concerns raised by local residents regarding the energy centre outlining that it would be excessive in scale and would create additional emissions in the area. The scale of the energy centre is considered to be acceptable and its size is largely determined by its function, supporting an ‘energy hungry’ use involving a spa and hotel. The proposed building would not be visually intrusive and it would appear as an ancillary element of the overall proposal. The proposed energy centre would provide a form of low carbon energy production for the site and subject to the appropriate measures being taken it would not have a detrimental impact on air quality or result in unacceptable levels of noise. Subject to such measures that would be agreed with Council’s Environmental Health Officer (EHO) this aspect of the development would not have an unacceptable impact on the amenity of any other party, human health or the harm the environment so as to warrant refusing the application. The applicants

have outlined that the building would have to be well designed and not generate an unacceptable level of noise, smells or other emissions as this would disturb the residents and visitors of the hotel complex. If the application were to be deferred for approval further details relating to the energy centre would have to be submitted and reviewed prior to any decision being made to ensure that there is a clear demonstration that the proposed CHP unit would not have an adverse impact on the environment. In conclusion, the Council's EHO is satisfied that the principle of this element is acceptable and emissions can be adequately controlled, subject to the submission of additional detail.

5.7 Planning balance

- 5.7.1 When considering the recommendation for this application the Local Planning Authority (LPA) has had to review the planning balance of the development and consider the economic benefits that the proposed development would bring to the town and the wider area. Section 38 (6) of the Planning Act requires that decisions should be assessed against the Development Plan unless material considerations suggest otherwise. The applicant has presented the case that the economic benefits of the proposals and the enhancement of the site outweigh the flooding concerns at the site and the conflict of the development with TAN 15 and Policy SD3 of the LDP. Having considered the proposals and been in regular dialogue with NRW it is considered this form of highly vulnerable development should not be sited in an area that is liable to flood and cause risk to life and property. The applicants have outlined that the hotel building and its main car park would be flood free within the 1% flood event as the ground levels would be raised but as outlined in TAN15 this type of vulnerable residential development should not be sited within these flood risk areas to minimise the risk of flooding harming life and property in the first instance. The stance of the Welsh Government and national planning policy on this matter is that this type of development should not be sited in flood unprotected areas to minimise any risk to life and property. A material planning consideration when determining an application is whether the proposed land use is appropriate for the site and given the highly vulnerable nature of this development in this location the risk of flooding is considered to be unacceptable.
- 5.7.2 In addition to this in principle objection, the proposal does not satisfy the tests in Section 6 of the TAN15. It is a brownfield site and the proposal clearly has strong economic and employment benefits. However the consequences of flooding have not been shown to be acceptably managed. Some buildings, parking areas and access roads will flood, as will the only road allowing people to exit the site.
- 5.7.3 The applicant has outlined the economic benefits to the town and wider area and although these benefits are recognised an alternative site outside of a flood zone would still bring the same economic benefits to the area. In correspondence dated 29th March 2016 the applicant's agent has outlined several benefits that the development provides and outlines how Technical Advice Note 23 (TAN23) - Economic Development, offers very strong support for the application. The applicant argues that there are a number of benefits of the site (including its waterfront location, proximity to Monmouth town and key

cycle and walking routes that are not available elsewhere (such that the economic benefits of the hotel could not be achieved elsewhere in Monmouth. There is a recognition of the economic benefits of the development but in this particular case it is considered that the economic benefits of the development do not outweigh the flooding concerns and potential risk to life and property that could be caused by the development. This particular site is not suitable for this type of highly vulnerable development and the applicant has not demonstrated that the consequences of flooding can be adequately managed. It is therefore recommended that the application is refused.

5.8 Conclusion

The proposed development is located within flood zone C2 where TAN 15 presumes against all highly vulnerable forms of development such as the proposed hotel. Planning Policy Wales, TAN 15, and Policies S12 and SD3 of the LDP, seek to ensure that flood risk to development is kept to a minimum and that the adverse consequences of flood risk are avoided. The proposed development is not acceptable in terms of flood risk and the applicant has not demonstrated that the consequences of flooding can be managed. The economic and associated benefits of the proposed development do not outweigh the flood concerns. This site is not suitable for highly vulnerable forms of development and accordingly, it is recommended that the application is refused.

6.0 **RECOMMENDATION: REFUSE**

Reason

1. The development would result in the location of a form of highly vulnerable development in Flood Zone C2 as identified by development advice maps referred to under Technical Advice Note 15 - Development and Flood Risk. Moreover, the applicant has not demonstrated that the consequences of flooding can be acceptably managed. The proposal, therefore, would be contrary to the advice contained in Planning Policy Wales Technical Advice Note 15 - Development and Flood Risk, and Policies S12 and SD3 of the Monmouthshire Local Development Plan.

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DC/2015/01587

DEMOLITION OF EXISTING BUILDINGS, AND RE-DEVELOPMENT OF THE SITE TO PROVIDE 51 NO. RESIDENTIAL DWELLINGS, AND ASSOCIATED WORKS

COED GLAS, COED GLAS LANE, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Date Registered: 04/03/2016

1.0 APPLICATION DETAILS

- 1.1 This application seeks the redevelopment of the former Monmouthshire County Council Coed Glas office site for housing. The site is allocated for around 60 dwellings in the Local Development Plan. The proposed development comprises demolition of existing vacant council office buildings in order to facilitate the construction of 51 dwellings. Eighteen of the dwellings will be affordable housing (35%) while the remaining thirty-three would be open market housing.
- 1.2 The site comprises a roughly square shaped parcel of land measuring approximately 2 ha (4.76 acres) in area. The site is bounded to the south-west by Coed Glas Lane and to the east by the Hereford to Newport railway line. The site slopes downwards from the east to the west with a change in levels of around 12 metres across the site. The site boundaries are characterised on all sides by large, mature trees which are almost entirely protected by Tree Preservation Orders (TPO). There are also some trees located in the centre of the site, some of which are also covered by the TPO. In addition to the trees, the northern, eastern and southern boundaries are also enclosed by stone walls.
- 1.3 As existing there are six buildings on the site that were previously used as offices for the council including the former Registry Office. The buildings comprise a traditional two storey building known as 'The Firs', a more modern four storey office building, two smaller modern blocks in the centre and two detached buildings in the north-east corner. There is also a tarmac road through the site following the western and southern boundaries together with associated hardstandings and parking areas interspersed across the site. All of the existing buildings and hardstandings are proposed to be removed.
- 1.4 The proposed development is accessed off a single access road via Coed Glas Lane from the north-west of the site in a similar location to the existing site access. The proposed estate road permeates on a southern loop before moving towards the north-eastern extent of the site and terminating at a turning head. The fundamental form of the layout is based around the access road where dwellings front onto it on the inner and outer loop. The layout incorporates a Local Area of Play (LAP) among other informal landscaped areas of open space adjacent to the entrance to the site.
- 1.5 The site is within the development boundary of Abergavenny and is not constrained by any flooding, ecological or conservation designations but does lie immediately to the south of the Pen-y-Fal Conservation Area.

2.0 RELEVANT PLANNING HISTORY

Various planning applications made by the Local Authority relating to the site's previous use with the last consent granted in 2005. List available on request.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing Provision
S4 – Affordable Housing
S12 – Efficient resource Use and Flood Risk
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design
SAH9 – Allocated Housing Site

Development Management Policies

H1 – Residential Development within Main Towns
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1 – Nature Conservation and Development
G11 – Green Infrastructure Provision
LC5 – Protection and Enhancement of Landscape Character
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 Abergavenny Town Council – Response awaited.
- 4.1.2 Glamorgan Gwent Archaeological Trust (GGAT) – No objection on archaeological grounds but of the opinion that the building known as The Firs is of historical importance and recommend a condition requiring a survey of the building is made prior to work.
- 4.1.3 Natural Resources Wales (NRW) - No objection to the application as submitted providing a suitable condition in relation to European Protected Species (Bats) is attached to any planning permission your authority is minded to grant.
- 4.1.4 Dwr Cymru Welsh Water (DCWW) - No objections. DCWW have met developers to discuss the drainage scheme for this proposed development and have agreed upon a strategy which will create sufficient capacity in the local sewer network to accommodate the development. The scheme will involve a large scale surface water removal from the public foul network and includes suitable on site attenuation to restrict surface water flows to an agreed rate before discharging to the public surface water sewer.
- 4.1.5 South Wales Police (Crime Prevention) – No major security concerns with the proposed development. Perimeter treatments and boundaries need to be looked at in detail to provide good quality security solutions for residents while enabling the area to retain a natural feel taking into consideration local wildlife. Providing the scheme conforms to the 2016 Secured by Design guide which comes into effect on 1st June,

we cannot see why the development would not achieve Secured by Design accreditation.

4.1.6 MCC Highways – Response awaited.

4.1.7 MCC Green Infrastructure Team (Landscape, Ecology, Trees and Rights of Way) – No objection in principle subject to conditions. Some amendments suggested. The detailed comments are considered in the report below.

4.1.8 MCC Heritage Officer – Worked with the applicants to improve details of house type designs. Would prefer to see the retention of The Firs but accept that it is not feasible in this case.

4.1.9 MCC Landscape Facilities - The site layout is acceptable from a Landscape point of view, with a new Local Area for Play (LAP) shown on the development, along with two areas of open space. The expected financial contribution towards children's play from a development of this size should be £44982.00. A LAP as shown on the layout will cost around £ 25K to install. I would therefore advise you to ask for £20,000 to be spent upgrading play areas in the locality. This could be built into the Section 106 Agreement for the development. With regards to Adult Recreation we would expect a figure of £159,273.00 (£3132 per unit) from the developer to enhance facilities within 5 miles of the development.

4.1.10 MCC Education – Response awaited.

4.2 Neighbour Notification

Three representations received. Object on the following grounds/raise the following concerns;

- The development will create a choke point at the access where three streams of traffic will meet and due to the gradient of the road further traffic-calming measures may be in order.
- Support the comments of the Abergavenny Civic Society.
- Question what guarantees are in place to prevent householders damaging or illegally removing mature perimeter trees?
- Who will be responsible for maintaining the trees?
- Care must be taken not to destroy the boundary hedge and undergrowth wildlife.
- All fences must allow hedgehog access.
- Development must not encroach onto small turning circle at the top of Coed Glas Lane.
- Due to the elevation of the site, boundary treatment needs to be more robust to prevailing winds.

4.3 Other Representations

4.3.1 Abergavenny and District Civic Society – Object for the following reasons:

When in 2013 it was proposed to allocate this site for housing in the Local Development Plan (LDP) we had no objection in principle but made the following observations:

- 1 *Consideration should be given to the case for Listing the mid-Victorian main house, formerly 'The Firs', and possibly the attached modern buildings*

described in the Pevsner series volume for Gwent as 'Quite a memorable group'. Even if Listing is not an option the planning authority should require the conversion of all or some of these buildings to residential use to be the preferred option of the site's developer.

- 2 *We are pleased to note that the planning authority has commissioned a tree survey and hope that trees of high and moderate retention value are as far as possible retained.*
- 3 *The retention of many mature trees and possibly some of the striking buildings on the site presents an opportunity for a housing development of more than usually high quality and distinctive character. We hope that a planning and design brief will be prepared to enable this opportunity to be taken.*

It is our view that the plans now submitted fail to satisfy those objectives or LDP policies S17 and DES1 in several ways, and we object on this basis and that the landowner and planning authority and the developer have wasted the opportunities offered by this prime site.

As described in the Planning Statement, the submitted scheme has been driven by the need to provide something approaching the 60 dwellings allocation in the LDP. The struggle to meet that expectation with low-rise homes with gardens has resulted in the form of development to which we object. Other forms of development might have achieved the target and taken a more imaginative shape.

There has been no attempt to create a distinctive sense of place apart from the retention of tree belts around the perimeter. The opportunity has been lost, for example, to use the Victorian house and trees within the site as distinctive features or focal points. The applicants claim that their proposals are in keeping with the adjacent Pen-y-Fal Conservation Area, but these bland proposals are typical of other disappointing recent developments in the Abergavenny area, many designed by the same architects, and which are sadly now becoming the norm. The contrast with the quality of the nearby Maes-y-Llarwydd development of a few years ago is particularly unfortunate.

Para 7.47 of the Planning Statement states the LDP Policy S17 need to 'avoid the bland, standardised appearance of some recent suburban expansion'. Yet that is exactly what this proposal does.

As elsewhere, the architects' approach to the design of buildings has been to adopt quasi-period styles and a mixture of materials and colours. While a variety of materials and colours is found in the town, it can be excessive within a development. We would suggest that white rendering should be the dominant feature as in Maes-y-Llarwydd and much of the Holywell area. The use of cream to echo The Firs is facetious. A single red brick should be used where appropriate and reconstituted stone should have a similar colouring to that of local stone. Placing the 3-storey apartment block at the highest point is questionable, especially when it might have been used as a focal point. As usual we prefer lean-to door canopies, more usual in Abergavenny, and would welcome some chimneys. Garage details do not appear to be online; adequate dimensions for family cars will be essential.

The effort taken to prevent on-street parking, often by providing three in a driveway, seems unlikely to be successful. There are instances where no garages have been provided and vistas are not terminated, except by the trees. Some sheds are to be provided but elsewhere a variety of sheds, car ports and garages may be exposed in

these gaps between houses in the future. We would like to see more screen walls and less screen fencing.

A lot of impermeable (and unappealing) tarmacadam will add to the surface water run-off, and the need to place attenuation tanks at the lowest point on the site should not dictate the position of the play area at the most unsuitable location, where traffic is at a maximum and where it is most likely to attract children from Maes-y-Llarwydd (where a play area is nearby) and across the Old Monmouth Road. The play area should be well into the site on another overlooked space that gives the development some sense of place.

The Planning Statement (Section 8) deals with the demolition of buildings on the site. It appears that the planning authority has no objection to the demolition of the modern buildings, perhaps a valid if subjective architectural opinion but one that appears to ignore any consideration of sustainable re-use. The applicants justify the clearance of The Firs itself on the basis that it is not listed and that it makes inefficient use of part of the site, undermining the LDP need to provide 60 homes on the site. Conversion to apartments is rejected, in a rather threatening way, on the basis that this is likely to be at the expense of the attractiveness of the building, and is commercially unviable with a lack of market demand - an interesting contrast with the attitude of developers at The Hill. The applicants' assertions are not supported by evidence. The Firs could give the estate personality and prestige.

The retention of perimeter trees appears acceptable if monitored during construction, but the sacrifice of two large internal trees of high/moderate value with TPO protection could be unnecessary with a layout that is not driven by a need to maximise the number of homes. We also fear that householders with shaded gardens will act illegally.

Much of the site is surrounded by stone walls, often in a poor condition, and measures are needed to safeguard these. The detailed design of the entrance to the estate should retain all the stone gateway pillars, by relocation as necessary.

Society members living nearby anticipate that cars already parking in the area will obstruct visibility at the entrance junction.

If these proposals are considered to meet the requirements of planning policies, it is at a minimal level. This prime site and the town deserve much better than an estate that is barely distinguishable from those being built by other house builders in the area.

I would emphasise that this response is the outcome of consideration by the Society's full committee and its planning subgroup.

- 4.3.2 SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

5.0 EVALUATION

5.1 Principle of Development

- 5.1.1 The site is allocated in the LDP for around sixty dwellings and as such the principle of development is supported. The applicant notes that fifty-one dwellings was the maximum number of dwellings that could be accommodated on the site having regard to the tree root protection areas of the mature boundary trees that are to be retained and in the light of this, it is considered that in the region of fifty dwelling units would be an acceptable amount in relation to the allocation.

5.1.2 The only existing building on the site of any architectural merit is The Firs which is a two storey Victorian building finished in cream render with a glass canopy at first floor level. It has traditional sash windows with a turret shaped projection on the south western corner of the building with arched windows at lower level. All of the windows are set in decorative surrounds with stone projecting cills. However, the building has been extended over the years with unsympathetic extensions. The building is not listed and its retention would not result in the most efficient re-use of the land as it would reduce the number of dwellings that can be developed on the site. The site is not within a Conservation Area and therefore the existing buildings can be demolished without the need for consent, subject to ecology reports and approval of the means of demolition and site restoration.

5.2. Visual Impact

5.2.1 The proposed development comprises 51 dwellings made up of a mix of house types varying in size between one bedroom and five bedroom homes. These dwellings would typically be two storeys in height together with a mix of two and a half storey town houses and a three storey apartment building, interspersed with single storey garages. The variation in height and scale will add interest to the street scene. The majority of the dwellings will be detached or semi-detached. This mix is considered to be in keeping with the prevailing character of the wider area.

5.2.2 There is an approximately 10m difference in levels between the northern area of the site and the central/southern area. As such, retaining structures are required throughout the development to achieve acceptable finished ground levels.

5.2.3 The layout of the proposed development is formed around the access road which runs through the site in a loop. This loop road formation was considered to be the most suitable arrangement given the difference in levels across the site. Dwellings front the access road on both the inner and outer loop with private gardens to the rear. The perimeter of the site is lined with trees, the majority of which will be retained. The layout proposed avoids the majority of the root protection areas of the trees.

5.2.4 Landscaped areas to either side of the access road are proposed to be located at the entrance of the site to give an inviting and spacious feel to the development. The landscaped area also affords protection to the trees in the vicinity of the access point and also allows surface water attenuation to be located below the designated LAP. Beyond the entrance, large detached dwellings in spacious plots are proposed with a mix of semi-detached and smaller detached units further into the site; link houses are proposed on corners to avoid dead frontages.

5.2.5 The houses would be finished in a mix of materials but a generally traditional palette has been chosen of render, red clay brick and reconstituted stone with a mix of reconstituted slate tiles and tiles for the roofs with the reconstituted slate being used at the site entrance and key view-points within the site. Windows would be uPVC but with traditional glazing patterns. The mix of materials and the details of the proposed houses are considered to be acceptable subject to the amendments made following advice from officers (see paragraph 5.2.7 below).

5.2.6 In terms of the quality of design of the development, it has been suggested that its layout, internal arrangement and house type could have been improved by a different arrangement focused on a more central massing of development rather than having pushed the development to its more sensitive outer boundaries, thus allowing these areas to be incorporated in a green corridor that could also have been accessible.

However, it is accepted that the design of the layout is restricted by the topography of the site and the drainage constraints.

5.2.7 In order to improve the overall appearance of the development, since the application was submitted, officers have been working with the applicants to improve house types and boundary treatments and to this end the following amendments have been made:

- Chimneys added to some house types
- Roof to be a mix of re-constituted slate and tiles
- Screen hedges to be planted in front of timber fences where walls are not possible due to extensive 'Root Protection Areas' of the trees
- House type F1 removed from scheme
- Black metal railings around public open space rather than a timber rail
- Lean-to porches
- Block of affordable flats redesigned
- Addition of more active house frontages onto footpaths
- Improvement of weak vistas where primary view was of parking
- Changes to glazing

5.2.3 Following the amendments, it is considered that the proposed development will be in keeping with the surrounding area in terms of scale, density and design. The proposed materials and tree screen around the site will further help the proposed new houses assimilate into the wider landscape without harming the existing character and appearance of the area. The character and appearance of the adjacent Conservation Area is considered to be preserved.

5.3 Access, Parking and Traffic

5.3.1 Vehicular access to the proposed site will be in a similar location to the existing but with improvement to visibility. There will be a single point of access into and out of the site with the estate road terminating in a turning head. The geometry of the access and vehicle speeds along Coed Glas Lane allow for sufficient visibility splays to be achieved. The access road would maintain its 4.8m width for the entire route through the site.

5.4.2 The access road incorporates a 2m wide footway along its southern extent and a 1m wide footway along the northern side. Pedestrian access immediately at the entrance to the site is provided on one side of the access road to link with the existing westbound footway on Coed Glas Lane. It is also proposed to provide a footpath along the south west of the access road to link to Coed Glas Lane in order to enhance pedestrian permeability towards the town centre.

5.3.2 It is proposed to provide 130 car parking spaces. The number and dimensions of the parking spaces have been calculated using the Council's adopted parking standards which require one space per bedroom up to maximum of three spaces per dwelling. Based on the quantum of development this required number of spaces would stand at 127. Therefore the proposed development is considered to be compliant in this regard.

5.4 Biodiversity Considerations

5.4.1 Based on the current objective survey and assessment available, enough ecological information has been submitted to make a lawful planning decision. The site is approximately 224m uphill of the River Gavenny SINC which is a tributary of the River Usk SAC (588m downstream). There are no known hydrological links between the site

and the watercourses and it is therefore considered that there will not be any pathway to significantly affect these sites.

- 5.4.2 The Preliminary Ecological Appraisal (PEA) considered the habitats present on site. These include: amenity grassland, mixed plantation woodland, tall herb ruderal vegetation, hardstanding and buildings. Whilst many of these habitats have intrinsic value and provide habitat for pollinators and foraging opportunities for species such as bats, none are NERC Section 42 Habitats (i.e. Habitats of Principle Importance in Wales).
- 5.4.3 Including the Common Pipistrelle recorded by Just Mammals in 2012, three species of bats have been recorded roosting at the site including Soprano Pipistrelle and a Myotis bat (identified as *Myotis mystacinus*). These are low conservation status roosts for the species. Impacts will include the loss of roosts and some loss of some foraging habitat. Mitigation is recommended to reduce impacts of the roost loss.
- 5.4.4 Bat activity at the site was dominated by common and soprano pipistrelles, noctule and Myotis (probable whiskered) bats and was throughout the site with some increased activity along the eastern (railway line) side of the site. Lighting will be an important consideration for the future use of the site by foraging/commuting bats and a planning condition is recommended to secure a lighting strategy and plan that considers ecological interest.
- 5.4.5 Three trees were identified as having bat roost potential in 2012 but fortunately only one of these has been identified for removal. This is a cypress tree that will need to be assessed for bat roosts and methods and measures undertaken before the tree is felled. For a tree of this scale, this would normally be undertaken prior to the determination of the application however, a planning condition for a strategy to assess the tree is included below.
- 5.4.6 The common and soprano pipistrelle bats are Natural Environment and Rural Communities Act 2006 (NERC) Section 42 Species and as such are of principle importance for conservation effort in Wales. It is noted on the GI opportunities plan that bat and bird boxes are proposed with the final detail to be agreed. A planning condition can be used to secure this.
- 5.4.7 A European Protected Species derogation licence will be required in order to carry out the works (demolish the buildings) but NRW have confirmed in their letter dated 23/03/2016 that there will be no effect on Favourable Conservation Status subject to inclusion of a licence condition. The requirement of a licence is certain as the buildings are to be demolished. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with NRW / Council Biodiversity and Ecology Officers as follows:

- (i) *The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.*

The site is allocated for housing in the LDP and the need for housing is considered to outweigh the benefit of retaining the buildings as existing which serve no useful purpose.

(ii) *There is no satisfactory alternative*

The proposal is necessarily site specific and the 'do nothing' option would not be in the public interest.

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

The requirement of a licence will secure the Method Statement and it is considered in these circumstances that a separate Method Statement condition is not necessary. Limited recommendations for bat mitigation are included in Section 9 of the submitted report. However, considering the proportionality of the species and roost types present, lack of objection from NRW and possible locations for mitigation to be provided; the lack of detail does not result in an ecological objection at this time and on balance it is considered that the proposed development will not be detrimental to the maintenance of the population of bats in the area.

5.4.8 In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard for the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that planning conditions are used to secure the following:

- Method Statement for the felling of the Cypress Tree
- Ecological enhancements for roosting bats
- Evidence of licence
- Lighting strategy

5.4.9 Whilst the main grassy areas of the site have historically been intensively managed, the current habitat developed is suitable for common reptiles as indicated by the Hawkeswood Ecology report. All species of common reptile are protected under the Wildlife and Countryside Act 1981 against killing and injury. All species are also NERC Section 42 species and as such are of principle importance for conservation effort in Wales. It is recommended that a condition is applied to any consent for a Construction Method Statement which includes methods to limit killing and injury of reptiles.

5.4.10 Of the species casually recorded at the site, two are noted as NERC Section 42 Species. This includes Hedgehog and House Sparrow. Measures to safeguard hedgehogs and nesting birds during works need to be included in a Construction Method Statement. It is noted that there will be close board fencing around all the gardens which will significantly limit the habitat available to hedgehogs. Therefore, it is considered that there would be significant benefit to this priority species by not having close board fencing at the rear of properties around the periphery of the site. Alternatively if fencing is necessary, gaps should be included under the rear close board fences (to be secured via an ecological enhancement condition). For nesting birds, and specifically house sparrow, a planning condition should be used to secure compensation for loss of potential nesting sites (existing buildings) and provide enhancements in line with the council's NERC duty.

5.5 Green Infrastructure

5.5.1 It is considered that overall for Ecology, Trees, Landscape and public rights of way (PROW), the Green Infrastructure Opportunities Plan (Rev A) supported by the

Detailed Soft Landscaping Proposals prepared by TDA illustrate some positive measures to be incorporated into the scheme.

- 5.5.2 The proposal has sought to retain the mature and valuable boundary trees which make a significant contribution to habitat provision and connectivity and the landscape setting and quality of place for the potential occupants of the proposed development and for the existing community within which the development is set. It is positive that more trees will be retained than previously indicated and that there are plans to retain the peripheral understorey (although the term 'where possible' is not an enforceable term and should be removed from the plan). It is however a concern that they will form part of private gardens instead of public open space. Ecological connectivity should be maintained around the periphery of the site which will be an important consideration for understorey planting and management. New tree planting will provide a long term ecological legacy for the site. Setting and quality of place will be reinforced through sensitive boundary treatment, in this case a 1.8m stone boundary wall, to ensure integration with the surrounding settlement in a way which is reflective of its current parkland context.
- 5.5.3 The seed mixtures are welcomed with a good gradual change from woodland to grassland type mixes and would create albeit artificial priority habitats important for invertebrates including pollinators. The proposed ornamental hedge could be planted with something more appropriate including species that could be beneficial for pollinators.
- 5.5.4 The GI opportunities plan makes reference to Habitat Provision and connectivity. The railway provides an ecological corridor and all peripheral lines of trees provide ecological connectivity around the site.
- 5.5.5 A requested condition regarding the profile of earth mounds is not considered to be necessary or reasonable and so has not been imposed.

5.6 Landscape Impact and Trees

- 5.6.1 The site is identified under LANDMAP as a landscape of moderate value for its visual and sensory, historical and cultural aspects and low value for its landscape habitats and geological aspects.
- 5.6.2 Following pre-application meetings and through discussion it is positive that the initial proposals to remove a large proportion of the boundary trees classified as category A and B are now proposed to be kept. The Arboricultural Implications Assessment (AIA) dated November 2015 shows that the tree losses consist in the main of low quality, linear groups. There are opportunities to mitigate trees loss via additional tree planting to supplement the existing. Assuming the large proportion of trees are successfully retained and that the boundary treatment is carefully addressed through retention of the existing understorey and supplemented by addition planting on its outward it is considered that the impacts are restricted in terms of both the landscape character and visual impact.
- 5.6.3 In terms of protection of the retained trees a condition can be used to prevent damage during construction. However, once the site is developed the trees will be in the ownership of private individuals who will be restricted from harming the trees in any way. A Tree Preservation Order prohibits the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees without the local planning authority's written consent. Anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting permission from the local planning authority

is guilty of an offence and may be fined. There is also a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of an Order. This duty also applies if a tree is removed because it is dead or presents an immediate risk of serious harm.

5.7 Public Rights of Way

5.7.1 The Active Travel (Wales) Bill requires local authorities to continuously improve facilities and routes for pedestrians and requires new road schemes to consider the needs of pedestrians and cyclists at design stage. A footpath to be formed from the site in a southerly direction between the access road and Coed Glas Lane is welcomed. This route could be upgraded to a joint cycle/footway and an additional footpath formed from within the site to Footpath No. 75 where it runs over the footbridge over the railway line. This link would provide pedestrian access the east of the rail line and the popular walking areas surrounding the Little Skirrid.

5.7.2 Pedestrian permeability of the site could have been improved by the inclusion of a cycle/footway running east west at the northern end of the site from approximately plot nos. 38 to 51. However, this link would be impractical due to the 6m level change and the land take required to get a DDA compliant ramp or adoption issues where steps to be provided.

5.7.3 It should be noted that the alignment of path no. 74 that runs adjacent to the site may be wrongly recorded on the Definitive Map as it does not show the alignment that is available on the ground. As the path on its available alignment rather than that recorded benefits the proposed development it has been suggested that a financial contribution via the Section 106 Agreement could be made to pay for a path order that may resolve this issue.

5.8 Residential Amenity

5.8.1 In terms of privacy and overlooking and the impact of the proposed development on neighbouring occupiers, given the mature tree screen around the periphery of the site together with the proposed 1.8m high stone wall and the presence of the access lane that runs along the southern and western boundaries of the site views into and out of the application site are already restricted. Separation distances between existing and proposed dwellings are further improved by the need to avoid building on the root protection areas of the boundary trees.

5.8.2 Within the site, the width of the access road and pedestrian footpaths along with car parking and defensible space at the fronts of the proposed dwellings helps achieve consistently acceptable separation distances between dwellings and habitable rooms to ensure that normal standards of privacy are met. The relationship between the rear of the dwellings on the inner loop of the access road stands at over 20 metres on average which is in accordance with planning guidance of privacy distances.

5.8.3 The eastern boundary of the site abuts the main railway line between Hereford and Newport and the noise report submitted with the application has indicated that mitigation will be required in the form of acoustic glazing and a ventilation system. The most affected area of the site in this respect is in the location of plots 25-30 (the apartments) and the internal layout of the flats have therefore been designed to ensure non-habitable rooms are located to the east elevation, closest to the railway.

5.9 Section 106 Heads of Terms

- 5.9.1 The provision of the 35% affordable housing will be secured under a Section 106 legal agreement. This agreement will also include the requirement for a financial contribution for the provision and maintenance of public open space for the following amounts;
- £20,000 to be spent upgrading play areas in the locality
 - £159,273 (£3132 per unit) to enhance adult recreation facilities
- 5.9.2 A contribution towards a path order to correctly record the actual alignment of a footpath that crosses the site will also be sought. 50% of the cost of the Order equates to £3200.

6 RECOMMENDATION: APPROVE subject to a s106 agreement

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	No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured in relation to The Firs and implemented in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.
4	All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
5	Details of proposed boundary treatment shall be submitted to and approved by the local planning authority. Such details as may be approved shall be carried out prior to occupation of the associated building(s).
6	A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation this shall be integrated into the GI Management Strategy.
7	A Green Infrastructure Management Strategy shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of development. The content of the Management Strategy shall include the following; <ul style="list-style-type: none"> a) Description and evaluation of Green Infrastructure assets to be managed. b) Trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions.

	<p>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).</p> <p>g) Details of the body or organization responsible for implementation of the plan.</p> <p>h) Ongoing monitoring and remedial measures.</p> <p>The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/bodies responsible for its delivery. The Strategy shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Strategy are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p>
8	<p>The hereby permitted works shall not commence unless the local planning authority has been provided with either:</p> <p>a) a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead; or</p> <p>b) a statement in writing from the scheme ecologist to confirm that the specified activity/development will not require a licence based on legislative and ecological justification.</p>
9	<p>Prior to the removal of Tree no.4 as identified on the Tree Constraints and Retention / Removal Plan TDA.2104.05 prepared by TDA December 2015; A Method statement for the safe removal of the tree shall be submitted and approved in writing by the Local Planning Authority. The method statement shall include;</p> <p>a) Methods in accordance with Best Practice to assess the tree for bat roosts</p> <p>b) Methods in accordance with Best Practice to sensitively fell the tree including climbing and section felling under the supervision of a licenced bat worker</p> <p>c) Measures and actions to be undertaken if roosts are identified at any time.</p> <p>The method statement shall thereafter be implemented in full.</p>
10	<p>Prior to the commencement of works, a scheme of ecological enhancements to include detail of nesting bird and roosting bats enhancements to be incorporated into the fabric of the buildings and positioned on trees [and if necessary, hedgehog access measures] shall be submitted to the local planning authority for agreement in writing. The scheme shall thereafter be implemented in full.</p>
11	<p>No development, demolition, earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include details of measures to protect:</p> <ol style="list-style-type: none"> 1) Nesting Birds 2) Common reptile species 3) Hedgehogs <p>The construction Method Statement shall thereafter be implemented in full.</p>

12	<p>Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:</p> <p>a) lighting type, positioning and specification b) drawings setting out light spillage based on technical specifications</p> <p>The strategy must demonstrate that bat roost compensation, roost enhancements and key bat flight lines are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.</p>
13	<p>Retained trees shown on the Tree Protection Plan (7651-S1-3-1) shall be protected in accordance with Arboricultural Method Statement described in Section 5 of the Arboricultural Implications Assessment (AIA) and fenced off in accordance with the specification shown at Appendix D of the AIA.</p>
14	<p>No development, including demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project) for the duration of the development and who shall be responsible for -</p> <ol style="list-style-type: none"> 1) Supervision and monitoring of the approved Tree Protection Plan; 2) Supervision and monitoring of the approved tree felling and pruning works; 3) Supervision of the alteration or temporary removal of any Barrier Fencing; 4) Oversee working within any Root Protection Area; 5) Reporting to the Local Planning Authority; 6) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Councils Tree Officer.
15	<p>No development shall commence until details of the finished floor levels of each plot, site sections through the site and details of any retaining walls including finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p>
16	<p>Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority.</p> <p>(a) stating the date on which the development is to begin;</p> <p>(b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").</p> <p>REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.</p>
17	<p>External materials to be agreed – unless resolved prior to determination.</p>

Informatives:

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

Bats - Please note that Bats are protected under The Conservation of Habitats and Species (as amended) Regulations 2010 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. We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence. If bats are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.

Nesting Birds - No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reptiles – Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted

Street Naming/Numbering - The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.

PROW - Public Paths nos. 74 and 75 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 other obstructions should be placed across the legal alignment of the paths and any damage to their surface as a result of the development must be made good at the expense of the applicant.

This planning permission is subject to a Section 106 agreement.

DC/2016/00219

CHANGE OF USE FROM D2 TO D1 (CHILDREN'S NURSERY)

UNIT 1, CASTLE MEADOWS PARK, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst

Date Registered: 1/03/2016

1.0 APPLICATION DETAILS

- 1.1 The application relates to a change of use of Unit 1 Castle Meadows Park from an indoor climbing centre with ancillary retail, café and other facilities (Class D2 use) to a Children's nursery (Class D1 use). It has an approximate floor space of 464m². The unit lies within an established industrial estate known as Castle Meadows Park situated on the outskirts of Abergavenny town centre.
- 1.2 It is proposed to change the use of the unit from D2 to D1 use; it would function as a private nursery which would be open Monday to Saturday. The unit has parking allocated at the front of the premises but the applicant has confirmed that they have secured additional parking from the adjacent unit. No external alterations to the building are proposed.

2.0 RELEVANT PLANNING HISTORY

DC/2011/00055	Change of use to indoor climbing centre (Class D2) with ancillary retail, café and office facilities	Approved 17/05/2011
DC/2007/01082	Change of use from industrial to builders merchants	Approved 30/11/2007

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 – Community & Recreation Facilities

S8 – Enterprise & Economy

S13 - Landscape, Green Infrastructure and the Natural Environment

S16 - Transport

S17 - Place Making and Design

Development Management Policies

DES1 - General Design Considerations

EP1 - Amenity and Environmental Protection

MV1 – Proposed Developments and Highways Considerations

Policy SAE2e – Protected Employment Site

4.0 REPRESENTATIONS

4.1 Consultations Replies

Abergavenny Town Council – no objections to the application.

MCC Highways – made the following comments: the application is confusing. The application site red line will provide inadequate parking for the staff parking let alone the drop off and pick up requirement for the proposed new use. Access to the site is well established with adequate visibility to and from the site. Recommendation – The application should be deferred for parking at the site to be revisited for the proposed use.

Further to this, comments were received by the owner of the proposed nursery to confirm that additional parking had been secured with the adjacent unit. Confirmation has been sought in writing from the adjacent unit to show that they have agreed to allow them to use the additional parking spaces.

The applicant confirmed that the proposed nursery in unit 1 will be a drop and go service for parents first thing in the morning and at the end of the day. The staff allocation for unit 1 parking is more than covered by the 10 allotted front spaces for the unit.

In response to this letter from the applicant Highways have commented that subject to this being to your satisfaction and passed on to next owner/tenant, then when figures for staff and visitors are recorded, they would offer no further comment.

Planning Policy – the site is located within the Abergavenny Town Development Boundary in a Protected Employment Site where Policy SAE2 of the LDP applies, the specific reference of which is SAE2c. Policy E1 relating to the Protection of Existing Employment Land should be considered, however, it is noted that the existing unit relates to a D2 use and the principle of a change from a B1/B8 use has therefore been previously accepted and implemented.

There are some concerns over the proposed nursery's location as the unit is in close proximity to other existing industrial/business units. It is noted an application was approved for a B2 use immediately adjacent the site in April 2015 (DC/2014/00775). Policy DES1 relating to general design considerations and EP1 concerning amenity and environmental protection must therefore be considered. It is nevertheless acknowledged that the proposed nursery would provide some community benefits, Strategic Policy S5 relating to community and recreation facilities provides support to this effect.

Policy MV1 relating to proposed developments and highway considerations should be referred to as well as Strategic Policy S16 which promotes minimising the adverse effects of parking.

Welsh Water – have no comments to make on the above application.

SEWBREC Search Results - No significant ecological record identified

4.2 Neighbour Notification

Several responses have been received in support of the application and in opposition to the application during the consultation period; the comments are as follows:

Eleven responses were received in support of the proposed application making the following points:

- Lack of childcare in the area and long waiting lists

- Compatible opening hours and holiday care
- Prime location
- Promote more businesses in the area
- After school club
- New jobs
- Drop & go service

Five responses were received objecting to the proposal and made the following points:

- Increase in traffic on Brecon Road and Merthyr Road
- Already too many nurseries in the area
- Concerns about parking at the site
- No access to play area outside
- Parking area dangerous as not enough room

Two general observations were also received from the proposed owner of the building stating that:

- parking will not be an issue as parking has been secured from the unit next door which is not open during the day
- in reference to outdoor play, outdoor play with free flow access is crucial to any high quality early years setting and we have looked at this carefully and will be providing a substantial and safe play area for the children on the site which will be extremely secure.

4.3 Local Member Representations

The Local Member is in support of the application.

5.0 **EVALUATION**

5.1 Principle of the proposed development

The proposed development is for the change of use of the existing unit from Class D2 use (indoor recreation) to Class D1 use (private nursery). The site is located on the outskirts of Abergavenny town centre and originally built for light industrial use. Whilst in principle a change of use of the unit from a climbing centre to a nursery could be considered acceptable, however Highways have raised an issue with regard to parking. The unit has provision of 10 car parking spaces to the front of the premises with additional car parking spaces available in front of the adjacent unit to the north. The applicant indicates that there will be at least 8-10 staff at the premises depending on how many children are being looked after. The opening hours of the premises will be 07.00-18.00hrs Monday to Friday and 10.00-18.00hrs on a Saturday.

Meadowbank Day Nursery will be a privately owned day nursery managed by a qualified teacher with highly qualified and experienced staff. All requirements will be met by the relevant legislation for day nurseries and crèches. The building will be compliant and converted to all DDA (Disability Discrimination Act) requirements and fire regulations.

It is acknowledged that the proposed nursery would provide community benefits due to its accessible location close to nearby residential areas; Policy S5 relating to community and recreation facilities provides support to this effect.

5.2 Design

No alterations to the external features are proposed. Alterations to the internal layout will be required for the use as a nursery so that it complies with regulations.

5.3 Economic Development Implications

The existing use of the premises is as an indoor climbing centre, ancillary café and offices. The current occupants are moving out of the unit to a larger premises and the opportunity and the locality of converting this unit to a private nursery arose. The proposed use will generate employment at the nursery with 4-8 full time staff and 2/3 part time staff. The proposed change of use of this unit will be in the spirit of Local Development Plan policy to support economic development and as the unit is not presently in a B1 use, there would be no prejudice to the loss of this type of business unit under Policy SAE2, and employment opportunities are provided. Therefore it is considered that the proposed development complies with Policy S8 the Monmouthshire Local Development Plan.

5.4 Access and Parking

Concerns were initially raised by the Council's Highway Officer with regard to parking at the site. However it has been confirmed by the applicant that additional spaces have been acquired during the business's operational hours from the adjacent unit. In accordance with their parking standards a D1 use should have 1 space per 2 full time staff within an urban or town centre area. The existing site currently has 10 parking spaces with an additional 10 parking spaces being provided in front of Unit 2. Highways have since commented that on the subject to this being to your satisfaction and passed on to next owner/tenant, then when figures for staff and visitors is recorded, they would offer no further comment. During peak times the site is likely to be busy with drop off/pick up but it is anticipated these movements will not be all concentrated into the same period, being dependent on when parents/ carers commence or finish work, which will vary. The site can also be accessed via public transport and given its proximity to the town centre and residential areas, by foot. Thus it is considered that the concerns raised by Highways, while noted, can be accommodated by accommodating parking in front of the building and the adjacent unit 2. It is considered that the proposed development is in accordance with Policy MV1 of the Monmouthshire Local Development Plan.

5.5 Response to Objections

In response to the objections concerning the proposed change of use, the parking issue has been resolved by the spaces acquired in front of the adjacent unit and is now considered to be acceptable. The applicant is the owner of the overall business area and has agreed in writing that the operator of the proposed nursery could utilise the spaces fronting Unit 2 for dropping off and pick up. A condition would be applied to ensure this arrangement is implemented.

As for the increase of traffic on the surrounding main roads, the Castle Meadows site is a well-established industrial estate and has businesses in all of the units. It is therefore considered that it is unlikely to generate more traffic than is capable of being accommodated on this road network. In addition, due to the close proximity of the town centre and residential areas there is potential for carers and children to walk to the nursery rather than use cars. There is a pavement on both sides of the main road to access the units and although other users enter and egress from the site to other working units it provides a safe and easy access to the site and in accordance with Policy MV1 of the Monmouthshire Local Development Plan.

Some objections state that there were too many nurseries in the area, however several letters of support were also received stating that there was a need for nursery spaces and the proposal would be well supported and received. The proposed development would result in employment opportunities in the area and the applicant has stated that this particular area has been highlighted for future childcare development due to the nearby housing estates being developed. Professionally-run day nurseries are increasingly required by working people across the UK and Abergavenny/ Llanfoist is a growing town with housing provision for families who need childcare while in work. The site is easily accessed from both by foot and car.

There is concern regarding the lack of access to an outside play area. The operator of the proposed nursery has made a general observation concerning this comment and has stated that she appreciated the comment made and that outdoor play with free flow access is crucial to any high quality early years setting and that the proposal would be providing a substantial and safe play area for the children on the site which will be secure.

A condition has been added to ensure the use is limited to a children's day nursery within use class D1, in that otherwise permitted changes to other D1 uses could take place (e.g. a school) that might cause harm to amenity or cause parking issues that would need closer assessment.

The reference to an adjoining site being approved for B2 (general industrial) use, is not considered to preclude a nursery use on the current site as the adjoining site is separated from this one by a dense hedgerow (and is at a lower level) and is a use permitted for the recycling/ reconditioning of household furniture which is not a noisy or intrusive form of use.

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons

1. This development shall be begun within 5 years from the date of this permission.
2. The premises shall not be used for the approved purposes outside the following times Monday to Friday 07:00-18:00hours and Saturday 10:00-18:00 hours.
3. The premises shall be used for the approved purpose as a children's day nursery only and for no other purpose within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order).
4. The use, hereby approved, shall not be commenced until a Parking Management Plan (PMP) has been submitted to and agreed by the Local Planning Authority, ensuring adequate parking arrangements for the children's day nursery, hereby approved. The development shall be carried out in accordance with the approved PMP.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. In the interests of amenity.
3. In the interests of amenity.
4. In the interest of highway safety and to ensure satisfactory parking is provided for the use approved.

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**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN
SUPPLEMENTARY PLANNING GUIDANCE DRAFT PROGRAMME**
MEETING: PLANNING COMMITTEE
DATE: 03 May 2016
DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

The purpose of this report is to:

- 1.1 To seek Planning Committee's endorsement of the second programme for the preparation of Supplementary Planning Guidance (SPG) and to recommend to the Cabinet Member with responsibility for planning matters accordingly.

2. RECOMMENDATIONS:

- 2.1 To endorse the draft programme for the preparation of SPG and to recommend to the Cabinet Member with responsibility for planning matters accordingly.
- 2.2 To annually review the SPG Programme, reporting for endorsement to the relevant Cabinet Member.

3. KEY ISSUES:

3.1 **Background**

- 3.1.2 Planning Committee endorsed the draft SPG Programme on 7 October 2014. A copy of the Planning Committee report and Annex relating to the first SPG Programme 2014 maybe viewed at:

<http://democracy.monmouthshire.gov.uk/Data/Planning%20Committee/20141007/Agenda/Full%20Planning%20Committee%20Agenda.pdf>.

The Cabinet Member for Environment, Public Services and Housing formally endorsed this SPG Programme on 22 October 2014.

- 3.1.3 The Monmouthshire County Council Local Development Plan 2011-2021 (LDP) was adopted on 27 February 2014. The LDP contains sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to planning permissions, but it was necessary to ensure that it avoided excessive detail. Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

3.2 **Supplementary Planning Guidance**

- 3.2.1 **Role and Purpose** - Welsh Government 'Planning Policy Wales' edition 8, January 2016 provides the national planning policy context for SPG. The guidance describes the role and purpose of SPG and accordingly all SPG documents should clearly state their link to adopted LDP policy in conformity with the national guidance.

"LDPs should contain sufficient policies and proposals to provide the basis for deciding planning applications while avoiding excessive detail. They should not repeat national planning policy. Selective use of supplementary planning guidance (SPG) is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances or areas" (para 2.4.1).

“SPG does not form part of the development plan but it must be consistent with the plan and with national policy. It must derive from and be clearly cross referenced to a generic LDP policy, specific policies for places, and/or – in the case of a masterplan or site brief – a plan allocation. SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the development plan ‘hook’, whilst the reasoned justification provides clarification of the related national policy. The LDP should note which policies are supplemented by SPG” (para 2.4.3).

3.2.2 **Status** - Welsh Government national planning policy guidance also outlines the status of SPG relevant to the LDP:

“Only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications but SPG may be taken into account as a material consideration. In making decisions on matters that come before it, the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation” (para 2.4.4).

3.2.3 **Preparation process** - National planning policy guidance is clear that:

“...consultation should involve the general public, businesses, and other interested parties and there should be a record of how their views were taken into account before the SPG was finalised” (para 2.4.6).

“...SPG should be formally approved by resolution of the local planning authority so that it can be given due weight” (para 2.4.7).

3.2.4 In accordance with national planning guidance the Council has an established process for SPG preparation. Following a resolution to consult, all draft SPG documents will be the subject of consultation with targeted notifications sent to those who are considered to have an interest in, or have expressed an interest in, the SPG topic, including all town and community councils. Consultation will be publicised by press notice and via the corporate planning Twitter account. All consultation replies will be analysed and, along with any recommended amendments to the SPG, reported for Planning Committee and Cabinet Member for consideration when seeking a resolution to adopt any SPG document. All consultation draft and adopted SPG will be available on the Planning Policy webpages of the Council’s website.

3.3 **Need for SPG Programme Annual Review**

3.3.1 The annual review of the SPG Programme helps to ensure that the programme remains responsive to corporate and Planning Service priorities.

3.3.2 The Programme provides a prioritisation for SPG preparation between different policy areas to reflect available resources.

3.3.3 The process of annual review provides a framework for monitoring SPG preparation. This is incorporated into the monitoring frameworks of both the Planning Service in the ‘Planning Annual Performance Report’ and the LDP in the ‘LDP Annual Monitoring Report’.

3.4 **Adopted SPG**

3.4.1 Since the adoption of the LDP in February 2014, the Council has adopted seven SPG documents. The preparation of SPG has been generally consistent with the prioritisation established in the first SPG programme. A list of all adopted SPG is provided at **Appendix A**,

- 3.4.2 First priority was given to work that has significant policy and/or financial implications for the implementation of the LDP. This included the Affordable Housing and Green Infrastructure SPGs which were adopted in March 2016 and April 2015 respectively.
- 3.4.3 Second priority was given to SPG documents that are beneficial to the planning application process. The Renewable Energy and Energy Efficiency SPG was adopted in March 2016. A Wind Turbine Planning Advice Note was also formally endorsed as SPG in March 2016. This was prepared and consulted on a regional basis, but was adopted by individual constituent authorities to ensure consistency of approach across the region.
- 3.4.4 A further second priority were the eighteen Conservation Area appraisals prepared by external consultants. These were taken through the SPG consultation and political reporting process by the Heritage Management Team, before being formally adopted by the Council as SPG in March 2016.
- 3.4.5 A further three SPG documents that were prepared to supplement the policies contained in the UDP were updated and adopted as SPG to the LDP in April 2015: Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use: Assessment of Re-use for Business Purposes; Policies H5 and H6 Replacement Dwellings and Extensions to Dwellings in the Countryside and Conversion of Agricultural Buildings Design Guide.

3.5 **SPG Programme 2016/17**

- 3.5.1 A suggested programme for SPG preparation is provided in **Appendix B**.
- 3.5.2 First priority has been given to SPG which has significant policy implications for LDP implementation and SPG documents which need updating/formal adoption under the LDP. Some of this work is well advanced:

Primary Shopping Frontages

The consultation responses and proposed amendments to the draft SPG were reported to Planning Committee in April 2016. It is being recommended that the draft document be adopted SPG to the LDP by Cabinet Member Decision 27 April 2016.

Landscape

Informal guidance has been prepared that sets out a protocol to be followed on landscape issues, identifying the information which a developer will need to be aware of and provide in formulating landscape proposals to the Council. The preparation of formal SPG on these matters to provide guidance for the interpretation and implementation of LDP policies S13 and LC5 was given a high priority in the first SPG Programme. LDP Policy LC5 introduced a new approach to the consideration of landscape issues based upon landscape characterisation. While the informal policy guidance provides some assistance, there is a need to address the significant 'policy vacuum' resulting from the lack of an up-to-date character assessment of the County and associated SPG on how this data should be used in the preparation and assessment of planning applications that have landscape implications. This is a substantial project that required the use of consultants. The preparation of detailed Landscape Character Assessments has now been completed by specialist external consultants with the remainder of work on the SPG to be completed in house led by the Council's Green Infrastructure Team.

Trellech Conservation Area Appraisal

The Trellech Conservation Area Appraisal was adopted under the UDP in April 2012. The updating of this document to ensure it accurately references and links to the LDP will supplement the series of eighteen Conservation Area appraisals adopted in 2016.

Its formal adoption as SPG under the LDP will ensure that all appraisals are of equal status.

Parking Standards and Domestic Garages

Priority has also been given to SPG which was prepared to supplement the policies contained in the UDP and would benefit the planning application process by being updated and formally adopted as SPG to the LDP. This includes Parking Standards and Domestic Garages.

Tourism

The Council's Economy and Development Select Committee (October 2015) scrutinised the LDP's impact on enabling tourism-related development. The tourism industry forms a key part of the County's economy and links directly to what makes Monmouthshire distinctive. This scrutiny identified a need to produce SPG to clarify for customers and officers how the LDP supports different types of tourism development. This is a new priority included on the SPG programme for the first time this year and represents a change to reflect corporate priorities.

- 3.5.3 Second priority is given to the Planning Obligations SPG which has significant policy and/or financial implications for the implementation of the LDP but is dependent upon other work streams, and SPG documents that would be beneficial to the planning application process but do not have the same urgency as the projects highlighted above and / or do not currently have resources available for their preparation:

Planning Obligations

The Council's current position with regard to Planning Obligations, more commonly known as Section 106 Agreements, is set out in the Approach to Planning Obligations Interim Policy, agreed by Council in June 2013. The document does not have the status of adopted SPG as it has not been subject to a public consultation but it sets out an approach to guide negotiations between the Council and applicants on the preparation of Section 106 planning obligations. It covered three main periods - first until LDP adoption; second from LDP adoption until the full SPG on Planning Obligations is approved; and third, post the adoption of the SPG on Planning Obligations and (if the option is pursued) the introduction of a Community infrastructure levy (CIL) by the Council. It is considered that the Interim Policy Statement provides sufficient guidance for applicants. It would be beneficial to provide adopted SPG on this matter but the preparation of updated SPG is dependent on progress with CIL because in a number of areas it is likely that funding through Section 106 will be replaced by CIL funding. CIL preparation is being given a high priority as it is a potential source of revenue for the Council with the draft CIL Charging Schedule currently out to consultation. It is intended to report the matter to Council later this year.

Householder Extensions

Development Management colleagues consider that SPG to provide detailed practical guidance for applicants would be particularly valuable to the pre application planning advice service to improve the quality of planning applications. This is a new priority included on the SPG programme for the first time this year and represents a change to reflect internal consultation.

Shop Front Design Guide

Draft SPG was prepared to supplement the policies contained in the UDP. Development Management colleagues consider that SPG to provide detailed practical guidance for applicants would be particularly valuable to the pre application planning

advice service to improve the quality of planning applications. This is a new priority included on the SPG programme for the first time this year and represents a change to reflect internal consultation.

Conversion of Rural Buildings

Design guidance on agricultural building conversions was formally adopted as SPG to the LDP in April 2015. However, it is considered that it would be beneficial to provide a more comprehensive approach, including additional policy advice and incorporating the guidance on assessment of buildings for business purposes, time and resources permitting.

- 3.5.4 Third priority has been given to SPG documents that do not have the same necessity as the projects highlighted above, do not currently have resources available for their preparation and on which little or no preparatory work has been undertaken but which are mentioned within the LDP. These include Biodiversity, Community Facility Protection Marketing Exercise, Transport and Open Space. The necessity for these SPGs, parts of which may be included in other SPGS with higher levels of priority, will be kept under review through annual SPG Programme monitoring. In addition, there are thirteen remaining Conservation Area appraisals and there may be a need for further work on Conservation Area Management Plans and Article 4 Directions, depending on the agreed outcomes from both the Conservation Area Appraisals adopted as SPG in 2016 and any future appraisals.

3.6 Next Steps

- 3.6.1 It is intended to report the updated SPG programme to the responsible Cabinet Member on 25 May 2016 with a view to seeking its formal endorsement to support the Monmouthshire LDP.
- 3.6.2 All consultation draft SPG documents will be the subject of initial consultation with elected Members at seminar/workshop events prior to political reporting.
- 3.6.3 As referred to in paragraph 3.2.4 above, the Council has an established process for SPG preparation which should be followed to accord with national planning guidance.
- 3.6.4 To annually review the SPG Programme, reporting for endorsement to the Planning Committee and relevant Cabinet Member.

4. REASONS:

- 4.1 Under the Planning and Compulsory Purchase Act (2004), as amended, and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. SPG provides further explanation and guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas. SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process.

5. RESOURCE IMPLICATIONS:

- 5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises, met from within the Planning Policy and Development Management budgets. In some cases, input from consultants will be required where there is not the expertise or staffing resources available in-house.

For example the Landscape SPG has required the preparation of detailed Landscape Character Assessments completed by specialist external consultants in this field and for which on such a large project covering the whole of Monmouthshire there is insufficient staff time available within the Council. This section of the Landscape SPG has now been completed, with the remainder of the work completed in-house in conjunction with the Council's Landscape Officer; the consultant's fees have been met from within the existing Planning Policy budget.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

6.1 Sustainable Development

An integrated equality and sustainability impact assessment was carried out in connection with the Deposit LDP. Under the Planning Act (2004), the LDP was required, in any event, to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environment Assessment Directive 2001/42/EC; requiring the '*environmental assessment*' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore, and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

6.2 Equality

6.2.1 The LDP was also subjected to an Equality Challenge process and due consideration given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework. New SPG will be subject to integrated equality and sustainability impact assessments to ensure that informed decisions can be made. Where practicable and appropriate, consultation will include targeted involvement of those with the relevant protected characteristics.

6.2.2 Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact. In this respect, the LDP will be subject to an Annual Monitoring Report that will include consideration of Equality Impacts.

7. CONSULTEES:

- Head of Planning
- Development Management Officers
- Highways Officers

8. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014)
- SPG Programme October 2014

9. AUTHORS & 10. CONTACT DETAILS:

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SUPPLEMENTARY PLANNING GUIDANCE ADOPTED UNDER THE LDP

February 2014 – March 2016

TITLE	DATE OF ADOPTION
Affordable Housing	March 2016
Renewable Energy and Energy Efficiency	March 2016
Wind Turbine Planning Advice Note	March 2016
Green Infrastructure	April 2015
Conversion of Agricultural Buildings Design Guide	April 2015
LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use: Assessment of Re-use for Business Purposes	April 2015
LDP Policies H5 & H6 Replacement Dwellings in the Open Countryside and Extension of Rural Dwellings	April 2015
<p>Eighteen Conservation Area Appraisals:</p> <p>Abergavenny Caerwent Chepstow Grosmont Llanarth Llandenny LLandogo Llanover Llantilio Crossenny Magor Mathern Monmouth Raglan Shirenewton St Arvans Tintern Usk Whitebrook</p>	March 2016

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SUPPLEMENTARY PLANNING GUIDANCE

Draft Programme 2016/17

PRIORITY	TITLE	CURRENT STATUS	ACTION REQUIRED (Main Service Area)
1	Primary Shopping Frontages	Consultation Draft 2015	Consultation responses and amended draft SPG reported to April 2016 Planning Committee. Recommend endorsement as adopted SPG to LDP – Cabinet Member Decision 27 April 2016. <i>Planning Policy.</i>
1	Landscape	Informal guidance : <ul style="list-style-type: none"> • Interim Landscape Position Statement (June 2013) • Landscape & Development Checklist (June 2013) 	SPG to replace Informal guidance. Consultants draft technical work completed, remainder to be completed in house. Consultation and political reporting in line with national guidance and established Council practice. <i>Planning Policy/ Countryside (Green Infrastructure).</i>
1	Trellech Conservation Area Appraisal	Adopted under UDP April 2012	Update to accord with LDP. Consultation and political reporting in line with national guidance and established Council practice. <i>Heritage Management.</i>
1	Parking Standards	Adopted under UDP January 2013	Update to accord with LDP. Consultation and political reporting in line with national guidance and established Council practice. <i>Highways/Development Management.</i>
1	Domestic Garages	Adopted under UDP January 2013	Update to accord with LDP. Consultation and political reporting in line with national guidance and established Council practice. <i>Highways/Development Management.</i>
1	Tourism	No preparatory work undertaken.	Prepare SPG to provide guidance on LDP policy interpretation and implementation. Consultation and political reporting in line with national guidance and established Council practice. <i>Planning Policy.</i>

2	Planning Obligations	Interim Policy Statement. Agreed by Council June 2013	<p>Informal Policy Statement to be superseded by SPG and CIL. SPG dependent on CIL progress. Prepare following CIL adoption. Consultation and political reporting in line with national guidance and established Council practice.</p> <p><i>Planning Policy.</i></p>
2	Householder Extensions	No preparatory work undertaken.	<p>Prepare SPG to provide guidance on LDP policy interpretation and implementation. Consultation and political reporting in line with national guidance and established Council practice.</p> <p><i>Development Management.</i></p>
2	Shop Front Design Guide	Draft SPG prepared under UDP but not taken forward to adoption.	<p>Prepare SPG to provide guidance on LDP policy interpretation and implementation. Consultation and political reporting in line with national guidance and established Council practice.</p> <p><i>Development Management.</i></p>
2	Conversion of Rural Buildings	Design Guidance SPG adopted April 2015	<p>Future revision to include additional policy advice and incorporate guidance on assessment of buildings for business purposes to provide a more comprehensive approach.</p> <p><i>Planning Policy/Heritage Management.</i></p>

3	Biodiversity	No preparatory work undertaken. Commitment to prepare given in LDP.	To be prepared by Countryside (Green Infrastructure) Team resources permitting. Consultation and political reporting in line with national guidance and established Council practice. <i>Countryside (Green Infrastructure).</i>
3	Community Facility Protection: Marketing Exercise	No preparatory work undertaken. Commitment to prepare given in LDP.	Monitor SPG requirement. <i>Planning Policy.</i>
3	Transport	No preparatory work undertaken. Commitment to prepare given in LDP.	Parking Standards & Domestic Garages SPGs (priority 1) will provide sufficient guidance on these topics. Monitor SPG requirement for more overarching guidance to promote sustainable transport. <i>Planning Policy/Highways.</i>
3	Open Space	No preparatory work undertaken. Commitment to prepare given in LDP.	Many issues covered in adopted Green Infrastructure SPG. Monitor SPG requirement for play area/open space provision which may be included in Priority 2 Planning Obligations SPG. <i>Planning Policy.</i>
3	Thirteen remaining Conservation Area Appraisals. Conservation Area Management Plans and Article 4 Directions.	Need for Management Plans and Article 4 Directions will depend on interpretation of Conservation Area Appraisals and availability of resources.	Monitor SPG requirement in light of adoption of Conservation Area Appraisals as SPG. <i>Heritage Management.</i>

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SUBJECT: Revision of Planning Scheme of Delegation

MEETING: Planning Committee

DATE: 03 May 2016

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

To seek Planning Committee's endorsement of a revised Planning Scheme of Delegation to reflect changes to legislation and change to job titles, and to improve clarity.

2. RECOMMENDATION:

- 2.1 That the Planning Committee endorses the revised Planning Scheme of Delegation attached to this report, for adoption by Council.
- 2.2 That the Head of Planning be authorised to update the above documents in the future in relation to factual corrections to job titles.

3. KEY ISSUES:

- 3.1 The Planning (Wales) Act 2015 sets out a series of legislative changes to reform the planning system in Wales. Its Positive Planning Implementation Plan introduces changes to secondary legislation, policy and guidance and also introduces measures to support culture change.
- 3.2 The Planning (Wales) Act 2015 has made a series of improvements to modernise the planning enforcement system. The provisions will reduce the opportunities to delay effective enforcement action by preventing developers from repeatedly submitting either applications or appeals where they have already failed to obtain planning permission in circumstances set out in secondary legislation by the Welsh Ministers. Improvements introduced by the Act include:
 - providing local planning authorities with the power to require the submission of retrospective planning applications where unauthorised development can be regularised and controlled by planning conditions by the use of Enforcement Warning notices
 - providing a power to decline to determine retrospective planning applications for development that is subject to an enforcement notice.
 - The Act has also introduced the use of Temporary Stop Notices.

- With regard to development management procedures the Act introduces the use of Invalid Notices to which there is a right of appeal to the Planning Inspectorate.

3.3 The introduction of new legislation and procedures requires Authorities to review their schemes of delegation to include the issue of Temporary Stop Notices, Enforcement Warning Notices, invalid notices and to determine the Council's case in appeals against such notices and decline to determine an application for planning permission where an enforcement notice has been served prior to its submission. The Planning Scheme of Delegation to officers is proposed to be amended at A.3 to include "issue Invalid notices and determine the Council's case where there is an appeal against an Invalid Notice" and A.5 to include "and Section 32 where an enforcement notice has been served prior to the submission of the application. Section B is proposed to be amended to include g) enforcement warning notices under Section 43 and h) temporary stop notices under Section 171E. Clarification is also proposed regarding delegated powers for taking enforcement action at B.1. Also recent changes to the structure of the authority have resulted in the necessity to amend the titles of the officers and section to which the scheme of delegation relates.

3.4 The delegation to officers should be amended to read:-

- Chief Officer Enterprise
- Head of Planning
- Development Services Manager
- Planning Applications and Enforcement Manager
- Heritage Manager

Paragraph A.1 (d) should also be amended to read "... employee within the planning section or working closely with the planning section as a consultee e.g. Highways or housing officer. The reason for this is due to the size of the Enterprise Directorate with employees who have no connection with the planning function.

3.5 Following recent correspondence with the Ombudsman it is considered that the guide should make it clear that Town and Community Councils are not included in the "5 or more separate households or organisations" as they have their own rights to address Planning Committee. The guide is therefore proposed to be amended to clarify this at A.1(b).

3.6 The proposed changes to the Scheme of Delegation are shown in green in Appendix 1 below.

4. REASONS

The recommended changes will allow officers to issue Temporary Stop Notices and Enforcement Warning Notices, issue Invalid Notices and determine the Council's case where there is an appeal against an Invalid Notice, and decline to determine an application where an enforcement notice has been served prior to the submission of the application under delegated powers, reflect the present structure of the Authority and clarify the guidance.

5. FINANCIAL IMPLICATIONS

The proposed changes to the scheme of delegation reflect legislative changes which introduce additional tools or procedures into the Development Management service. Any additional work will be undertaken within existing budgets, and therefore there are no financial implications resulting from the proposed changes to the Scheme of Delegated Powers.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS

Sustainable Development: The proposals will improve the service to the Council's customers.

The Future Generation Assessment is attached at Appendix 2. It is considered that the proposals which aim to ensure consistency and equality of treatment on planning matters do not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person. The Scheme of Delegation and Code of Practice will be regularly monitored to address equality implications.

7. CONSULTEES:

Head of Legal Services
Head of Planning

8. AUTHOR: Philip Thomas, Development Services Manager

Tel: **01633 644809** Email: **philipthomas@monmouthshire.gov.uk**

Appendix 1

Scheme of Delegation to Officers – Planning Service

A Guide to the Officer Delegation Scheme

The scheme aims to achieve an effective balance between

- efficiency of determination on the majority of non-contentious applications that have limited community impact,
- being reasonably simple and easy to understand, and
- the member/community aspect by ensuring member involvement on contentious applications through committee or the Delegation Panel and local ward member request for applications to be presented to committee;

The Delegation Panel consists of the Chair, Vice Chair and Opposition Spokesperson of Planning Committee. The Panel does not determine applications or enforcement matters. Its role is to assess whether officers should determine those applications presented to it or to refer them to Planning Committee for determination.

Definitions

“The Act” means the Town and Country Planning Act 1990 as amended [and to the Planning \(Wales\) Act 2015](#)

“Local Ward Member” means the member for the electoral division in which the application site is located.

Planning Application means

- (a) Applications for planning permission and approval of reserved matters.
- (b) Applications for Listed Building Consent.
- (c) Applications for Conservation Area Consent.
- (d) Applications for Express Consent to Display Advertisements.
- (e) Applications for Certificates of Lawfulness of Existing Use or Development under Section 191 of the Act (jointly with the Head of Legal Services).
- (f) Applications for Certificates of Lawfulness of Proposed Use or Development under Section 192 of the Act (jointly with the Head of Legal Services).
- (g) Applications to retain works or uses already carried out.
- (h) Applications to remove or modify conditions of planning permissions [or to make minor material amendments to an approved scheme under Section 73 of the Act.](#)
- (i) Applications for an approval required by a development order.

- (j) Proposals by statutory undertakers
- (k) Notices of Proposed Development by Government Departments.
- (l) Hedgerow removal notices under the Hedgerow Regulations 1997.
- (m) Applications for non-material amendments to a planning permission.

Delegation to Officers

The delegation scheme authorises the following officers as set out in the scheme:

- Chief Officer Enterprise
- Head of Planning
- Development Services Manager
- Planning Applications and Enforcement Manager
- Heritage Manager

A. Planning Applications

A.1 To determine or make observations subject to A.2 on all applications unless:

- (a) The officer recommendation is contrary to a development plan policy or proposal or other planning policy of the Council
- (b) The application is to be recommended for approval and any of the following circumstances apply:
 - unresolved written objections on material planning grounds have been received from 5 or more separate households or organisations, (excluding Town or Community Councils) or
 - it is contrary to the advice of a statutory consultee, or
 - the community or town council has objected on material planning grounds and wishes to address Planning Committee
- (c) The application is:
 - by or on behalf of the Council and unresolved objections on material planning grounds have been received, or
 - for development on Council-owned land or in which the Council has a direct interest
- (d) The application is submitted by an employee of the Council who works within the Planning Section or one who has close involvement in the planning application process or a member or co-opted member of the Council or by a close relative of such an employee or member or where the application relates to land in which any of them have an interest
- (e) The local ward member has requested in writing that the application is presented to Planning Committee giving planning reasons for that request.

A.2 In consultation with the Delegation Panel to determine or make observations on applications except for those relating to householder development, advertisement applications and applications for Listed building and

Conservation Area Consent where the application is to be recommended for approval and:

- unresolved written objections on material planning grounds have been received from 1 – 4 separate households or organisations, **excluding Town and Community Councils** or the **Community or Town Council** has objected **on material planning grounds** and does not wish to address Planning Committee, or
- the application is one to which A.1 (c) relates and no unresolved objections on material planning grounds have been received, or
- the Local Ward Member has requested in writing the application is referred to the Delegation Panel **giving planning reasons for that request.**

For the avoidance of doubt, applications for householder development, advertisement consent, and Listed Building and Conservation Area Consent, shall be determined by officers unless the Local Ward Member has requested in writing the application is referred to Planning Committee or the Delegation Panel, giving planning reasons for that request. All other applications are delegated to officers to determine, including Non Material Amendments, applications for an approval required by a development order, proposals by statutory undertakers, Notices of Proposed Development by Government Departments and Hedgerow removal notices under the Hedgerow Regulations 1997.

A.3 To determine:

- the Council's case where there is an appeal against non-determination of an application
- the discharge of planning conditions requiring the specific approval of the Local Planning Authority
- to enter into obligations under Section 106 of the Act jointly with the Head of Legal Services, where it has been decided that planning permission should be granted subject thereto
- that an application is a departure from the development plan
- whether an Environmental Assessment is required **and scoping the content of that Assessment**
- whether an Appropriate Assessment is required under the Conservation (Natural Habitats etc.) Regulations 2010 (as amended).
- **Local Impact Reports for Development of National Significance**
- **Whether an application is valid, issue an Invalid Notice and determine the Council's case where there is an appeal against such a Notice.**

A.4 To make observations on planning consultations received from Brecon Beacons National Park and adjoining authorities.

A.5 To decline to determine an application for planning permission under the powers of Section 70A of the Act **and Section 32 (where an enforcement notice has been served prior to the submission of the application).**

A.6 To make all necessary decisions on procedural matters in connection with the processing of applications and appeals.

B. Enforcement of Planning Control

B.1 In consultation with the Delegation Panel to determine that it is expedient to take action and to issue the following notices ~~other than those specified in Part B.4~~ and thereafter to take all necessary steps to remedy the breach .

- (a) Enforcement Notices **and Stop Notices** under Section 174 of the Act
- (b) Listed Building Enforcement Notices under Section 38 of the Listed Building and Conservation Areas Act 1990
- (c) **To take prosecution proceedings and/or injunctions and/or action under the Proceeds of Crime Act, in consultation with the Head of Legal Services.**
- (d) Notices under Section 215 of the Act

B.2 In consultation with the Delegation Panel to determine that it is not expedient to take enforcement action.

B.3 To determine that it is expedient to take action and to issue the following notices and to take all necessary steps to remedy the breach:

- (a) Planning Contravention Notices under Section 171C of the Act (to require information).
 - (b) Breach of Condition Notices under Section 187A of the Act.
 - (c) Enforcement Notices where planning permission has been refused for the development.
 - (d) Listed Building Enforcement Notices under Section 38 of the Listed Building and Conservation Areas Act1990
 - (e) Breach of Condition Enforcement Notices.
 - (f) Hedgerow Replacement Notices under the Hedgerow Regulations 1997.
 - (g) **Enforcement Warning Notices under Section 43**
 - (h) **Temporary Stop Notices under Section 171E**
- B.4 To consider offers and representations made under Section 171C(4) of the Act (responses to Planning Contravention Notices).
- B.5 To remove **or obliterate** unauthorised advertisements, placards and posters under Sections 224 and 225 of the Act.

C. Heritage

C.1 In consultation with the Delegation Panel

- To serve building preservation notices under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in cases of emergency.
- To authorise urgent works under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

C.2 To approve grants for historic buildings under Historic Town Schemes.

D. Entry onto Land

D.1 To authorise persons to enter land under

(a) Sections 196A, 214B and 324 of the Act

(b) Section 95 of the Building Act 1984

(c) Section 293 of, and paragraph 7 of Schedule 12A to, the Highways Act 1980

(d) Section 71 of the Road Traffic Regulation Act 1984.

E. Miscellaneous

E.1 To respond on behalf of the Council to HGV operator's licence applications.

E.2 To respond to Welsh Government consultations on planning policy or development management or related matters.

Appendix 2 – see separate document



<p>Name of the Officer completing the evaluation Philip Thomas</p> <p>Phone no: 01633 644809 E-mail: philipthomas@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Revision of Planning Scheme of Delegation and Code of Practice</p> <p>To adopt the revised Planning Scheme of Delegation and Code of Practice.</p>
<p>Name of Service</p> <p>Planning</p>	<p>Date Future Generations Evaluation form completed</p> <p>April 2016.</p>

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Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: An efficient development management process is underpinned by a high degree of officer delegation to ensure timely decisions on planning applications and enforcement of planning control are made that can provide economic investment and growth, and can protect acknowledged interests such as local amenity and townscape. In addition, this provides the capacity for Planning Committee to scrutinise and decide larger scale or more contentious proposals that have a strategic dimension or are of more than localised concern.</p>	<p>Better contribute to positive impacts: The changes proposed in the report reflect new legislation introduced by Welsh Government that will work most effectively where delegation is provided to officers, enabling timely additional enforcement powers to be used, as well as reflecting changes to the titles of officers who have responsibility for pursuing such action.</p> <p>Mitigate any negative impacts: Where necessary, the scheme of delegation allows for consultation with the elected Members of the Council's</p>




Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>Negative: Delegation of decision-making can lead to a perception that the democratic processes have been circumvented.</p>	<p>Delegation Panel to ensure democratic scrutiny of decision-making takes place.</p>
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: The current scheme of delegation allows for officers who are decision-makers to consider the impacts of decisions on ecological interests. This system would not change as a result of the proposed revisions to the scheme of delegation.</p> <p>Negative: None identified.</p>	<p>Better contribute to positive impacts: Speeds up the delivery of sustainable development.</p> <p>Mitigate any negative impacts: None</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: The revised scheme of delegation would speed up the making of planning decisions and the pursuit of appropriate enforcement action, which could improve Monmouthshire citizens' access to local services, such as shops and health facilities, or prevent inappropriate development from harming the amenity of an area, or indeed the health of local people.</p> <p>Negative: None identified.</p>	<p>Better contribute to positive impacts: The approval and delivery of development proposals can have a positive impact on health and well-being and foster social and community pride, while taking enforcement action can stop harm occurring which can lead to negative well-being impacts.</p> <p>Mitigate any negative impacts: None</p>
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive: The area of work undertaken by the planning section directly and indirectly influences the appearance, viability, safety and connectivity of communities via planning policy, land use planning decisions and via enforcement action. Making such decisions in a timely fashion would assist in achieving this well-being goal.</p>	<p>Better contribute to positive impacts: The timely approval and delivery of sustainable development proposals can have a positive impact on the character and appearance of an area, promote well-being and foster social and community pride, while taking appropriate enforcement action can</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	Negative: None identified.	prevent harm occurring which can lead to negative well-being impacts. Mitigate any negative impacts: None
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Positive: The area of work undertaken by the planning section directly and indirectly influences local social, economic and environmental well-being via planning policy and land use planning decisions. However, the global-scale effect is acknowledged as being limited. Negative: none.	Better contribute to positive impacts: None Mitigate any negative impacts: None
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Positive: Planning decisions promote the value and significance of the historic built environment by ensuring that it is a direct consideration in planning policy and land use planning decisions. Planning decisions generally facilitate the provision of playing fields and recreational schemes in general. The Welsh language is now a material planning consideration. Negative: none.	Better contribute to positive impacts: Timely planning decisions will ensure that proposals foster civic pride through well-designed development in historic areas or through the removal of development that has a negative impact on a heritage designation via enforcement action. Mitigate any negative impacts: None
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Positive: Appropriate development management decisions should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve the five main aims of the Welsh Spatial Plan, namely Building Sustainable Communities, Promoting a Sustainable Economy, Valuing our Environment,	None.

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	Achieving Sustainable Accessibility and Respecting Our Environment Negative: none.	

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
<p>Page 112</p>  <p>Long-term</p> <p>Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The development management function which makes planning decisions seeks to implement the policies of the LDP. By its nature, therefore, it cannot look beyond the next five year period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p>	<p>Ensure that the LDP and its policies have been subject to an appropriate level of scrutiny</p>
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>The revised scheme of delegation has been subject to consultation with Members of Planning Committee, whose Members have a specific interest in the subject, as well as senior officers of the Council.</p>	<p>Any observations offered by Committee have been taken into account as part of the single cabinet member approval process.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p>The revised scheme of delegation has been subject to consultation with Members of Planning Committee, whose Members have a specific interest in the subject, as well as senior officers of the Council.</p>	<p>As above.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The revised scheme of delegation would provide the legal basis for designated officers to make timely planning decisions at an appropriate level. The scheme, as amended, should therefore enable sound planning decisions to be made.</p>	<p>N/A</p>
 <p>Integration</p> <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p><i>There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts</i></p> <p>The work undertaken by the development management service directly relates to promoting and ensuring sustainable development and its three areas: environment, economy and society.</p>	<p>The revised scheme of delegation would facilitate the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors.</p>

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
<p>Positive: The revised scheme of officer delegation within the Development Management service of the Council should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve some of the main aims of the Welsh Spatial Plan, namely Promoting a Sustainable Economy, Valuing our Environment and Respecting Our Environment, be it through making timely decisions on planning or related applications, or via the taking of appropriate enforcement action to prevent harm to acknowledged interests, such as amenity, public safety or biodiversity.</p>			
Age	None	None	See above
Disability	None	None	See above
Gender Reassignment	None	None	See above
Marriage or civil partnership	None	None	See above
Race	None	None	See above
Religion or Belief	None	None	See above
Sex	None	None	See above
Sexual Orientation	None	None	See above
Welsh Language	<p><i>Under the Welsh Language measure of 2011, we need to be considering Welsh Language in signage, documentation, posters, language skills etc.</i></p> <p>Welsh is treated on equal terms as English in the planning process, including the making of decisions at Committee or under officer delegated powers.</p>	None	Provision of Scheme of Delegation in Welsh Language.

D 09/1/14

4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None.	None	n/a
Corporate Parenting	None.	None.	n/a

5. **What evidence and data has informed the development of your proposal?**

The changes are proposed via legislative changes introduced by Welsh Government through The Planning (Wales) Act 2015. Through government policy, including Technical Advice Wales and WG Circular 24/97: Enforcing Planning Control, Welsh Government expects local planning authorities to have delegated processes in place that facilitate timely decision-making on planning (and related) applications and to take vigorous enforcement action to remedy serious breaches of planning control.

6. **SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

This section should give the key issues arising from the evaluation which will be included in the Committee report template.

The work undertaken by the Council's Planning Service, and in particular the Development Management function, directly relates to promoting and ensuring sustainable development. The revised scheme of delegation would provide an appropriate degree of authority to officers to ensure effective management of the planning process for future generations to facilitate much-needed sustainable development, helping to create jobs and investment, while protecting material interests such as amenity, public safety and biodiversity.

In terms of the protected characteristics of age, disability, gender reassignment, race, religion or beliefs, gender, sexual orientation, marriage or civil partnership, there are no direct implications as a result of this guidance.

There are no implications, positive or negative for corporate parenting or safeguarding.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

N/A

What are you going to do	When are you going to do it?	Who is responsible	Progress

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

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<p>The impacts of this proposal will be evaluated on:</p>	<p>Speed of decisions and the scope of delegation are considered as part of the Welsh Government's Annual Performance Report on Welsh planning authorities, and within the WG's Development Management Quarterly Returns and would be taken into account via customer satisfaction surveys all of which will be publicly available.</p>
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SUBJECT: **Review of the Council's Planning Pre-application Advice Service including the proposal to increase the charges for this service**

MEETING: **Planning Committee**

DATE: **May 2016**

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

1. To provide Planning Committee with a review of the current formal Planning Pre-Application Advice Service and details of the proposal to increase the fees that the Council charges customers.

2. RECOMMENDATIONS:

- 2.1 That Planning Committee notes the review of the Planning Pre-Application Advice service and endorses the proposed increase in charges for this service, for Cabinet Member to adopt.

3. BACKGROUND:

- 3.1 Pre-application advice is a discussion between a prospective applicant and the Local Planning Authority to help the customer understand the planning application process and be given guidance on the acceptability of the proposals with the view to improve the overall quality of the proposed development. Pre-application discussions are an optional service for customers but due to the benefits of the discussions in terms of the speed and likely success of their subsequent planning application, we encourage prospective applicants to discuss their development proposals with us at the earliest opportunity.
- 3.2 Monmouthshire has been offering a formal pre-application advice service since April 2014 and it has been widely well received by both customers and staff. The existing service that has been running successfully for the last two years was developed by engaging with our customers and asking them what matters to them.

- 3.3 On 16th March 2016 Welsh Government introduced subordinate legislation within The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016 that outlined that all Local Planning Authorities must provide a minimum statutory pre-application advice service with prescribed charges and service.
- 3.4 The Local Planning Authority can still offer a bespoke service to run alongside the statutory service. We believe that our customers will still wish to use the bespoke service due to the benefits over and above those of the statutory service which include the following:
- On site face- to-face meeting with the customer and their agent
 - Access to all relevant experts at all stages to determine what information is required within an application and their views on the proposal
 - Advice on how to improve the scheme to reach a positive outcome.
 - A detailed written response outlining policy considerations and advice and recommendations on the proposals.
 - Follow up meetings if required
- 3.5 As part of the service review we have also reviewed the charging schedule and service level standards. It is proposed to increase our fees as per the attached schedule. There would continue to be four levels of service provided, but these will be modified to align with the statutory service making it easy for customers to compare the service offerings.

KEY ISSUES:

Introduction

- 4.1.1 The pre-application advice service has been provided for over two years (during which time the fees charged have not changed) and it is valued by our customers, by the Planning Team and other experts engaged in the planning process. The service provides customer with the opportunity to engage with officers at an early stage in the development of their proposal and obtain highly useful information on whether or not their proposals would be acceptable and what would need to be submitted within any planning application.
- 4.1.2 The service is also valued by the Council officers involved in the planning application process as it enables them to provide guidance and advice at an early stage in the development process, which enables proposals to be shaped and modified to improve schemes, thereby helping to achieve the best form of development possible. In addition, the process enables officers to help customers to get the planning application submission into a good shape at the outset so that it is more likely to be valid on receipt, avoiding the need for multiple alterations and re-submission once the application has been received. That aspect can be frustrating for customers and also puts pressure on resources within the department.
- #### 4.2 Income and Service Level Performance
- 4.2.1 Since the introduction of the formal pre-application advice service on 1st April 2014 the Development Management team has provided a written response to 868 enquiries. This has generated £94,844 of income over the last two years; in 2014/2015 the service generated £50,908, while

during 2015/2016, the service brought in £43,936. The income target for the service was approximately £35,000 for each of these years and therefore the income generated has exceeded initial expectations. The income target is £35,800 for 2016/17, a figure we anticipate being realistic, in that fee expectations need to be treated with caution given that we do not know whether the statutory pre-application advice service will have a positive, neutral or negative impact on customer take-up of either the Council's or the statutory service.

With regard to officer performance, when conducting the service we reviewed a sample of 100 pre-application enquires and this led to the following conclusions:

- For registration to acknowledgement, the target was 1-3 working days; the data shows that we achieved on average 0 days for registration to acknowledgement; therefore this target is being met with enquires being acknowledged on the same day they are received.
- The target for the desk-top study was 10 working days from receipt; however on average this is being completed within 13 days.
- On average meetings were arranged within 12 days where the target was 15 working days from receipt of the enquiry; however not all enquiries require a meeting.
- Written responses were issued on average within 9 days where the target was within 5 working days of the meeting.
- The end-to-end target for pre-application enquires is 20 days for levels 1 – 3, and 22 for level 4. On average level 1 – 3 enquiries are completed within 21 days and level 4 within 46 days. Level 4 enquires are for large scale developments and it is often in the interest of the customer to gain a more detailed response resulting in the longer timescale, although this needs to be regularly reviewed to ensure we are meeting customer requirements.

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Pre-application enquiries help the customer get the application correct first time and as a result of the formal introduction of the pre-application advice service in April 2014 the Development Management team has realised significant improvements in its performance in registering submitted applications.

The average time from the receipt of an application to its registration was:

- 44 days at the end of 2014
- 36 days 2015
- 30 days in January 2016

The introduction of the formal pre-application advice service is helping to significantly reduce the amount of time taken to register submitted applications. The service is enabling customers to get it right first time as they have already sought advice directly from a planning officer.

When customers do engage with pre-application enquiries it is having a positive impact on the department's performance, improving the time it takes to deal with the application because the officer has prior knowledge of the site when the application is submitted.

4.3 Customer Feedback

4.3.1 At the end of 2014/15 a sample of customer feedback comments outlined the following:

- Humanised Process – marvellous service
- Process working with customer not just made to jump through hoops
- Streamlines the process
- Really straightforward and easy to use
- Officer was really friendly and knowledgeable which made the process easy
- Friendly constructive advice
- For a lay-person it is a great service
- Timescales and cost a concern – could just submit an application and if refused re-submit and have response within 16 weeks
- It was good to deal with someone face to face and be given more information before making the actual application

Customer feedback is generally positive and the opportunity for customers to speak directly on site to a planning officer, or other Council officers in service areas that have a key role in the planning application process, is generally appreciated and expressed at site meetings, with both applicants and agents being positive about the process. A concern highlighted relates to the time it takes to conduct the pre-application enquiry as the speed of a response is often important to the customer. We have reviewed our target responses times which now reflects our performance and resources, to seek to manage expectations. This is an area that we will review going forward.

4.2 Analysis of applications determined that have been subject to the Council's pre-application advice service, November 2015 to January 2016 showed that on average 75% of applications were determined within the statutory 8 week deadline and all of the applications (100%) that had received pre-application advice were approved.

4.3 Other Service Area/Experts feedback

4.3.1 Feedback has been sought from the service areas who engage in the pre-application advice service and their comments have been generally positive. They recognise the benefits of a formal process including improved communication and consultation, clarity of procedures, costs being recovered and sharing of information between services leading to improved awareness. Within 2015, £5,118.50 (including VAT) was paid to other services in recharges for their involvement in the advice service.

Green Infrastructure Team:

“From a Green Infrastructure perspective, the pre-application stage is an opportunity to get developers to fully embrace the Green Infrastructure concept into their scheme. Formulating a plan of the GI assets and opportunities of the area at this stage results in better thought out schemes that maintain, protect and enhance GI and ultimately have social, economic and environmental benefits. Addressing concerns at the earliest possible stage reduces delays in the application process and avoids applications being made invalid until appropriate information is available. The only issue we sometimes encounter with the process is where we have not been consulted at pre-application stage, and issues arise that could have been more easily dealt with earlier.”

Affordable Housing Officer:

“It is extremely useful and helps get the design and layout right first time. It is also beneficial for understanding all of the Green Infrastructure issues.”

Highways Officer:

“We feel the pre-app service works overall as it’s a good opportunity to engage with the applicant early on to discuss and highlight all related issues so that they are clear what they need to consider and submit as part of a full planning application. It does speed up the process when the applicant has fully taken on board our comments at the pre-app stage and submitted all the relevant information with the full application. One criticism is that the process can be quite time-consuming therefore does impact on officer time and available resources, could some of the meetings be in offices rather than onsite?”

Planning Policy Officer:

“I think that it works well and we have been involved in a lot more developments at an early stage. In terms of the allocated sites it is extremely important that we are involved however we are not always included within the discussions. The system front loads the information and makes it easier when the application is submitted.”

- 4.3.2 One of the criticisms from other departments is that they are not always involved in the enquiry however it is worth noting that the service is customer led and they determine which officers they would like to attend the meeting, paying the correct fee accordingly. This is why some departments are not always included as this is the customer’s preference.

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The existing bespoke pre-application advice service is generally considered to be successful. It is generating income to help cover the costs of the service, improving performance and receiving positive feedback from customers and other service areas. Although local planning authorities must now offer the *statutory* pre-application advice service, given the above factors we are committed to retaining our bespoke service and offer this alongside the statutory service. The differences between the two types of services are outlined below:

4.4 Statutory Pre-application Service

- 4.4.1 This is the basic level of service that local planning authorities *must* provide as legislated by Welsh Government. It will be a desk-top assessment based on a minimum level of information. The Authority will not enter into any discussions regarding the proposal and will not visit site. A written response will be provided that will include the relevant planning site history and planning policies to be considered, plus any other relevant planning guidance and material considerations, and an initial view on the merits of the proposal.

4.5 Monmouthshire Bespoke Pre-application Service

- 4.5.1 This is a bespoke service and has been designed by asking our customers what mattered to them. It will provide all the elements of the statutory service, along with a site visit and an opportunity to discuss options and ideas with the planning officer as well as suggestions to help improve the proposal. If relevant, a Building Control Officer will also attend site (free of charge) to advise on the relevant Building Regulation permissions required. The written response will include all details of the discussions, the relevant policies and site history, along with details of what is needed to be submitted with the planning application.

4.5.2 The main benefits of Monmouthshire's bespoke service for the customer is that they get direct contact with an officer to discuss the site specific details of their proposals and various options. They are provided with a dedicated case officer with a more personalised service, for instance the meeting can be either on site or in the office and the applicant is given a clear written response providing advice regarding the specific elements of the proposal, suggestions for improving the scheme, access to relevant experts (e.g. a Highways officer) along with a clear outline of the information that would need to be provided with an application. We want to retain this bespoke service and provide a better service to our customers than the more basic statutory service, as we are satisfied that this is of benefit to all parties involved.

4.6 Changes to Monmouthshire's bespoke planning pre-application advice service

4.6.1 Given the introduction of the statutory service our existing bespoke service charging schedule and levels of service need to be modified so that they align with the statutory service and ensure that it is easy for customers to compare the different services offered. Appendix 1 to this report indicates the existing charging schedule and Appendix 2 outlines the proposed new scheme of charges. The alterations relate to the levels of service, fees and the exemption to charges.

4.6.2 There would remain four levels of service, however the levels have now been categorised based on the type of development to reflect the statutory service. Level 1 would remain the same as the present rate at £60.00 with the option to add additional officers (£55.00 for each officer); Level 2 would be increased from the existing charge of £90.00 to £120.00 with the option to include additional officers (£70.00 each officer). Levels 3 and 4 fees would be changed to reflect the statutory service and categorised into major (Level 3) and large major developments (Level 4); Level 3 would cost £850.00 and Level 4 would cost £1250.00.

The current take up of the levels is

- Level 1 = 39%
- Level 2 = 49%
- Level 3 = 9%
- Level 4 = 3%

4.6.3 We proposed that Level 2 would be a lower fee than the statutory service. Level 2 enquiries are the most frequently requested. Customer feedback is that this level of service is required and the fact that the bespoke Level 2 service would be cheaper than the statutory service leads us to believe that this healthy take up will continue, even with the slight increase in fees. As we have demonstrated, pre-application advice is beneficial and we do not want to discourage its use due to cost. The proposed increase in the fee is projected to generate an additional £6000 per annum.

4.6.4 The review has also identified that pre-application advice for larger schemes is more time consuming and resource-heavy than initially anticipated. The move to levels based on the scale of the proposed scheme and the proposed increase in Level 4 will better reflect officer efforts in this area. As part of the proposals it is recommended that the time for written responses to be issued be increased to 10 working days from the date of the meeting (apart from Level 1 which will remain at 5 days). This will reflect the actual average time and better manage customers' expectations.

5. RECOMMENDATIONS:

- 5.1 The report outlines the performance of the pre-application advice service to date for Members' information. It also outlines proposals to modify and align Monmouthshire's bespoke service with the Welsh Government's statutory service, increasing some of the fees and service level standards, as outlined in the proposed charging schedule (Appendix 2) and applicant guidance notes (Appendix 3). It is requested that Committee Members endorse the proposed charging schedule so that it can be introduced from 1st June 2016.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1 There are no significant equality impacts identified in this report. The Future Generations Evaluation is Appendix 4 to this report.

7. OTHER IMPLICATIONS:

- 7.1 Communication: It is important that the Council's Pre-application Advice Service procedure and charging schedule is publicly available and promoted to ensure customers are fully aware of the changes to the service.

Personnel: Officers will need to be briefed on the updated fees and Service Level changes.

8. CONSULTEES:

Highways; Green Infrastructure Team; Development Management Staff; Building Control; Planning Policy; Housing Officer

9. BACKGROUND PAPERS:

Appendix 1 - Existing charging schedule
Appendix 2 – Proposed charging schedule
Appendix 3 – Applicant Guidance Notes
Appendix 4 – Well-being of Future Generations Assessment

10. AUTHORS:

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Appendix 1 – Existing Pre Application Charging Schedule

Development Management Pre-application Advice Services – Charging Schedule from 16th March 2016

NB Bespoke Service charges are inclusive of VAT, the Statutory Service does not attract VAT. **Please note your request for advice will not be processed without payment.**

Service Option	Bespoke Service Provided	Fee (Inc VAT)	Statutory Service Provided	Fee No VAT
<p>Level 1 Householder</p> <ul style="list-style-type: none"> The enlargement, improvement or alteration of an existing dwelling house within garden curtilage. Eg: Extension, enclosures, garden building 	<ul style="list-style-type: none"> Up to 30 minute meeting on site with a Development Management Officer. A written response outlining the discussion, areas for consideration (inc site history, policies & guidance) and initial assessment of proposal. Additional Officer Charge at £55 per officer eg: Ecologist 	£60	<ul style="list-style-type: none"> Desk top assessment of proposal Written response with site history, relevant policies & guidance , considerations and an initial view on the proposal 	£25
<p>Level 2 Minor Developments</p> <ul style="list-style-type: none"> 1-9 residential units or where a residential site area < 0.5 hectare. Non Residential, Change of Use or Mixed use where gross floor space <1000 sqr mtrs or site area < 0.5 hectares 	<ul style="list-style-type: none"> Up to 60 minute meeting on site/office with a Development Management Officer A written response outlining the discussion, areas for consideration (inc site history, policies & guidance) and initial assessment of proposal. Section 106 & CIL scope & amt Additional Officer Charge at £68 per officer eg: Highways 	£90	<ul style="list-style-type: none"> Desk top assessment of proposal Written response with site history, relevant policies & guidance, considerations and an initial view on the proposal. Section 106 & CIL scope & amt 	£250
<p>Level 3 Major Development</p> <ul style="list-style-type: none"> 10-24 residential units or where a residential site area >=0.5 but <1.0 hectare. Non Residential, Change of Use or Mixed use where gross floor space >=1000 but <2000 sqr mtrs or site area >= 0.5 but <1.0 hectare 	<ul style="list-style-type: none"> Up to 60 minute site meeting with Development Management Officer + up to <u>two</u> other Authority experts as deemed appropriate to your scheme (e.g. Ecology + Highways) A written response outlining the discussion, areas for consideration (inc site history, policies & guidance) and initial assessment of proposal. Section 106 & CIL scope & amt A follow up meeting if required and amended response Additional Officer Charge at £95 per officer eg: Highways 	£290	<ul style="list-style-type: none"> Desk top assessment of proposal Written response with site history, relevant policies & guidance, considerations and an initial view on the proposal. Section 106 & CIL scope & amt 	£600
<p>Level 4 Large Major Development</p> <ul style="list-style-type: none"> 25 or more residential units or where a residential site >=1.0 hectare. Non Residential, Change of Use or Mixed use where gross floor space >=2000 sqr mtrs or site area >= 1.0 hectare. 	<ul style="list-style-type: none"> Initial site appraisal by Development Management Officer Up to 90 minute meeting in office with Development Management Officer plus all other relevant Authority experts (e.g. Development Plans, Highways, Trees, Landscaping etc) A written response outlining the discussion, areas for consideration (inc site history, policies & guidance) and initial assessment of proposal. Section 106 & CIL scope & amt A further review meeting up to 60 minutes with Development Management Officer plus other relevant experts. Final written response. 	£850	<ul style="list-style-type: none"> Desk top assessment of proposal Written response with site history, relevant policies & guidance, considerations and an initial view on the proposal. Section 106 & CIL scope & amt 	£1000

Exemptions to Charging

- Enquiries made by Monmouthshire County Council
- Enquiries made by a Town or Community Council relating to their statutory functions
- Enquiries made by a non-profit making charitable organisation
- Enquiries made by a person who is registered disabled – where the development is to benefit this person, except where a new dwelling is proposed.
- Enquiries made for maintenance and repair of a Listed Building Consent .
- Statutory undertakings linked to domestic development – i.e. telecommunications

Notes

- Following the issue of the Officers written advice the pre-application case enquiry will be considered closed. In the event of further advice being sought a charge will apply.
- If you are unsure of which level of service to choose or if you feel your development proposal falls outside of the service levels available please contact **Monmouthshire Planning Support on: 01633 644 880** or email planning@monmouthshire.gov.uk where a member of the team will assist.
- If you are carrying out any kind of building works it is likely that you will require Building Regulations. If you are unsure or would like further advice regarding building regulations please contact **Monmouthshire Building Control Services on: 01633 644833** or email buildingcontrol@monmouthshire.gov.uk
- The Development Management Officer will notify the Building Control Team of your enquiry and proposed development scheme and where appropriate a Building Surveyor may accompany them at your site meeting at no extra charge.

Appendix 2 – Proposed Pre Application Charging Schedule

Development Management Pre-application Advice Services – Charging Schedule

NB Bespoke Service charges are inclusive of VAT, the Statutory Service does not attract VAT. **Please note your request for advice will not be processed without payment.**

Service Option	Bespoke Service Provided	Fee (Inc VAT)	Statutory Service Provided	Fee No VAT
<p>Level 1 Householder</p> <ul style="list-style-type: none"> The enlargement, improvement or alteration of an existing dwelling house within garden curtilage. Eg: Extension, enclosures, garden building 	<ul style="list-style-type: none"> Up to 30 minute meeting on site with a Development Management Officer. A written response outlining the discussion, areas for consideration (inc site history, policies & guidance) and initial assessment of proposal. Additional Officer Charge at £55 per officer eg:Ecologist 	£60	<ul style="list-style-type: none"> Desk top assessment of proposal Written response with site history, relevant policies & guidance , considerations and an initial view on the proposal 	£25
<p>Level 2 Minor Developments</p> <ul style="list-style-type: none"> 1-9 residential units or where a residential site area < 0.5 hectare. Non Residential, Change of Use or Mixed use where gross floor space <1000 sqr mtrs or site area < 0.5 hectares 	<ul style="list-style-type: none"> Up to 60 minute meeting on site with a Development Management Officer A written response outlining the discussion, areas for consideration (inc site history, policies & guidance) and initial assessment of proposal. Section 106 & CIL scope & amt Additional Officer Charge at £70 per officer eg: Highways 	£120	<ul style="list-style-type: none"> Desk top assessment of proposal Written response with site history, relevant policies & guidance, considerations and an initial view on the proposal. Section 106 & CIL scope & amt 	£250
<p>Level 3 Major Development</p> <ul style="list-style-type: none"> 10-24 residential units or where a residential site area >=0 .5 but <1.0 hectare. Non Residential, Change of Use or Mixed use where gross floor space >=1000 but <2000 sqr mtrs or site area >= 0.5 but <1.0 hectare 	<ul style="list-style-type: none"> Up to 90 minute site meeting with Development Management Officer + other relevant Authority experts (e.g. Ecology + Highways) A written response outlining the discussion, areas for consideration (inc site history, policies & guidance) and initial assessment of proposal. Section 106 & CIL scope & amt A follow up meeting if required and amended response 	£850	<ul style="list-style-type: none"> Desk top assessment of proposal Written response with site history, relevant policies & guidance, considerations and an initial view on the proposal. Section 106 & CIL scope & amt 	£600
<p>Level 4 Large Major Development</p> <ul style="list-style-type: none"> 25 or more residential units or where a residential site >=1.0 hectare. Non Residential, Change of Use or Mixed use where gross floor space >=2000 sqr mtrs or site area >= 1.0 hectare. 	<ul style="list-style-type: none"> Initial site appraisal by Development Management Officer Up to 120 minute meeting in office with Development Management Officer plus all other relevant Authority experts (e.g. Development Plans, Highways, Trees, Landscaping etc) A written response outlining the discussion, areas for consideration (inc site history, policies & guidance) and initial assessment of proposal. Section 106 & CIL scope & amt A further review meeting up to 60 minutes with Development Management Officer plus other relevant experts. Final written response. 	£1250	<ul style="list-style-type: none"> Desk top assessment of proposal Written response with site history, relevant policies & guidance, considerations and an initial view on the proposal. Section 106 & CIL scope & amt 	£1000

Exemptions to Charging

- Enquiries made by Monmouthshire County Council
- Enquiries made by a Town or Community Council relating to their statutory functions
- Enquiries made by a non-profit making charitable organisation
- Enquiries made by a person who is registered disabled – where the development is to benefit this person, except where a new dwelling is proposed.
- Enquiries made for maintenance and repair of a Listed Building Consent .
- Statutory undertakings linked to domestic development – i.e. telecommunications

Notes

- Following the issue of the Officers written advice the pre-application case enquiry will be considered closed. In the event of further advice being sought a charge will apply.
- If you are unsure of which level of service to choose or if you feel your development proposal falls outside of the service levels available please contact **Monmouthshire Planning Support on: 01633 644 880** or email planning@monmouthshire.gov.uk where a member of the team will assist.
- If you are carrying out any kind of building works it is likely that you will require Building Regulations. If you are unsure or would like further advice regarding building regulations please contact **Monmouthshire Building Control Services on: 01633 644833** or email buildingcontrol@monmouthshire.gov.uk
- The Development Management Officer will notify the Building Control Team of your enquiry and proposed development scheme and where appropriate a Building Surveyor may accompany them at your site meeting at no extra charge.



monmouthshire
sir fynwy

**MONMOUTHSHIRE COUNTY COUNCIL
DEVELOPMENT MANAGEMENT SERVICES**

**PRE-PLANNING APPLICATION
ADVICE SERVICE**

GUIDANCE NOTES FOR APPLICANTS

March 2016

Development Management Services

Pre-Application Service Guidance Notes

The Pre-Application Service

Purpose of the note

This guidance note is to help applicants understand the procedures for using our Pre-Application Service for Planning and related applications including Listed Building Applications.

What are pre-application discussions?

These are discussions between a prospective applicant and the Local Planning Authority to help understand the application process in relation to a particular proposal.

What are the benefits of having pre-application discussions?

Pre-application discussions are a discretionary service but due to the benefits of the discussions we encourage prospective applicants to discuss their development proposals with us at the earliest opportunity.

Benefits include: -

- Detailed discussions about your proposal, on site if applicable.
- Identify the relevant current and emerging planning policies
- Identifying potential issues early on and provide help on how to resolve them.
- Suggestions to improve the proposal.
- A written response of all discussions.
- Establishing the information required when submitting an application in order to avoid incomplete applications
- To start to build and establish a relationship with the planning officers and other council officers who will be involved in deciding your application.
- Improving consistency, certainty and speed for users of the planning system
- Reducing the number of refusals
- Reducing the number of appeals
- Reducing the number of pre-commencement conditions

What won't pre-application advice do?

It cannot deliver a guaranteed outcome, i.e. a guaranteed planning permission or a formal view of planning committee. This is because: -

- Applications are subject to a wider consultation process than a pre-application enquiry and issues may come to light at a later date.
- The views given will be current at the time of giving the advice but changes in planning circumstances and policy will need to be taken into account when the application is decided
- Larger and/or more contentious applications will be decided by a planning committee made up of elected members. Whilst the committee will have an officer report and recommendation to consider, members may decide to give different weight to key issues and other considerations, in arriving at their decision

Is there a charge for the service?

There is a charge for the pre-application service. The cost will depend on the level and type of service requested. The charges relate to the amount of officer time that dealing with an enquiry will take.

Please note that your request for advice will not be processed without payment being received. If you request further advice after you have received your written response and we have closed the case, this will be chargeable.

For further information on charges please refer to the Charging Schedule (available via the website).

Service Level Options – An Overview

There are 2 types of service:-

Statutory Pre-application Service . This is the basic level of service that Local Authorities MUST provide as legislated by Welsh Government. It will be a desk top assessment based on a minimum level of information. The Authority will not enter in to any discussions regarding your proposal and will not visit site. You will be provided with a written response that will include; relevant planning site history and planning policies you should consider. Any other planning guidance and material considerations and an initial view on the proposal

Monmouthshire Pre-application Service. This is a bespoke service and designed by asking our customers what mattered to them. It will provide all the elements of the statutory service, along with a site visit and an opportunity for you to discuss options and ideas with the Development Management officer as well as suggestions to help improve the proposal. If relevant, a Building Control Officer will also attend site (free of charge) to advise on the relevant Building Regulation permissions required and any other considerations. The written response will include all details of the discussions, the relevant policies, history along with details of what is needed to be submitted with the planning application.

- **Level 1 – Householder**
 - The enlargement, improvement or alteration of an existing dwelling house within garden curtilage. Eg: Extension, enclosures, garden building
- **Level 2 Minor Developments**
 - 1-9 residential units or where a residential site area < 0.5 hectare.
 - Non Residential, Change of Use or Mixed use where gross floor space <1000 sqm or site area < 0.5 hectares
- **Level 3 Major Development**
 - 10-24 residential units or where a residential site area ≥ 0.5 but <1.0 hectare.
 - Non Residential, Change of Use or Mixed use where gross floor space ≥ 1000 but <2000 sqm or site area ≥ 0.5 but <1.0 hectare
- **Level 4 Large Major Development**
 - 25 or more residential units or where a residential site ≥ 1.0 hectare.
 - Non Residential, Change of Use or Mixed use where gross floor space ≥ 2000 sqm or site area ≥ 1.0 hectare.

For more detailed information on the service level options including fees see the Charging Schedule.

How to request Pre-application Advice.

You can request this service by completing the Pre-Application Advice Request form (available via the website). Simply decide on the type and level of service you need and send the completed form to us, along with the relevant fee and a site location plan.

Payment can be made by cheque (made payable to 'Monmouthshire County Council' Or MCC) or by card over the telephone on: 01633 644835

Service Standards – Statutory and Bespoke

1. Registration & Acknowledgement – on receipt of your enquiry form we will: -

- Check that sufficient information has been provided to enable us to respond to your enquiry appropriately.
- Acknowledge receipt of your enquiry and confirm the fee paid within 3 working days.
- Issue your enquiry to a Development Management officer who will become your case officer.

2. Enquiry/Application Review - The Case Officer will: -

- a. Assess the enquiry/type of development and confirm that the appropriate level of advice has been requested. In the case that you have not provided the correct fee or if we advise an alternative level of service we will discuss this with you before undertaking any further work.
- b. Research and assess your enquiry before contacting you to discuss your proposal in person and to arrange a meeting of which could be at site or alternatively at an agreed MCC building that may be convenient to you and the case officer. This will include any additional Authority experts if appropriate.
- c. Advise on further information that would be beneficial in helping to respond to your enquiry i.e. Sketch proposals of layout and elevations.
- d. Consult (where required) with other MCC services (e.g. Highways) for their input/opinion if deemed critical to your proposal.

If you have selected the statutory service only point a) will be undertaken

3. Response Times - We will aim to meet the following timescales: -

Statutory Service – 21 days unless an extension of time is agreed with all parties

- Bespoke Service - **see** below. In particularly complex cases or in unforeseen circumstances more time may be necessary and we will discuss and agree this with you at the earliest possible opportunity.

Level of Service	(Working days from receipt of written enquiry/application)			
	Registration/ Acknowledge ment within	Enquiry/Applicatio n Review within	Meeting to be arranged (not held) within	Written Response within (working days after meeting)
Level 1	3	10	15	5
Level 2	3	10	15	5
Level 3	3	10	15	5

Level 4	3	10	15	7
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Written Advice Response – What will it include: -

Statutory

- Summary of site history
- Relevant planning policy and Supplementary Guidance
- Other material considerations
- An initial view on the proposal
- Section 106 and CIL scope and indicative amount if applicable

Bespoke

- Summary of what we understand your proposal to be
- Summary of our advice including site history, planning policy and site constraints, requirements and opportunities (e.g. conservation orders, listed building, public footpaths etc)
- Summary of all issues discussed at the meeting and material considerations
- The planning policies you need to be aware of and any Supplementary Planning Guidance
- Our initial views about the proposal
- Recommendations and advice on how to improve your proposal , if required
- Section 106 and CIL scope and indicative amount if applicable
- Contact details of who you may need to contact to further discuss your proposal prior to submission
- The information you will need to submit with an application

What Will Happen If You Submit An Application Based On This Advice? The next stage: -

- The Council will seek to ensure that the same case officer will process the application
- The Council will ensure that any pre-application advice is carefully considered in reaching a recommendation on an application

Building Regulations

If you are carrying out any kind of building works it is likely that you will require Building Regulations. If you are unsure or would like further advice regarding building regulations please contact **Monmouthshire Building Control Services on: 01633 644833** or email buildingcontrol@monmouthshire.gov.uk

The Development Management Officer will notify the Building Control Team of your enquiry and proposed development scheme and where appropriate a Building Surveyor may accompany the Development Management Officer at your site meeting.

Confidentiality – MCC may have to: -

- Disclose information it holds if requested for under the Freedom of Information Act and the Environmental Information Regulations. You must advise us of any information that you provide is confidential or commercially sensitive and explain why.

Disclaimer

Any views or opinions expressed are given in good faith, without prejudice to the consideration of a formal application. Pre-application cannot bind the Local Planning Authority to a particular outcome. Any formal decision of the LPA can only be made after the Council has consulted local people, statutory consultees and any other interested parties. The decision will be based on all of

the information available at the time. You should therefore be aware that the officers cannot guarantee the final formal decision that will be made on an application.

How you can contact us

If you have any questions regarding this document please contact the Development Management Department by: -

Email – planning@monmouthshire.gov.uk

Telephone – 01633 644 831

Post –
Planning Department
Monmouthshire County Council
County Hall,
Rhaydr
Usk
NP15 1GA

Further information is available via the website: www.monmouthshire.gov.uk



<p>Name of the Officer completing the evaluation Craig O'Connor</p> <p>Phone no: 01633 644849 E-mail: craigoconnor@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Review of the Council's pre-application planning advice service including the proposal to increase the charges for this service</p>
<p>Name of Service</p> <p>Planning</p>	<p>Date Future Generations Evaluation form completed</p> <p>April 2016.</p>

1. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: An efficient development management process is underpinned by the service having an engaging pre-application advice service that can provide support and guidance for customers to ensure the best development possible for the benefit of local communities and to protect character and appearance of Monmouthshire. Planning can provide economic investment and growth, and can protect acknowledged interests such as local amenity and townscape therefore ensuring that customers are getting advice early in the process is critical in securing positive outcomes and appropriate forms of development.</p>	<p>Better contribute to positive impacts: The proposed changes to the pre application service proposed in the report reflect new legislation introduced by Welsh Government in March 2016 that introduces a statutory pre application enquiry service across Wales. Monmouthshire's bespoke pre-application advice service provides a customer focused service that enables customers to engage fully within Planning Officers and gain the correct advice to progress their developments and ensure that we receive applications for developments that are of a high standard.</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>Negative: Pre-application advice can be considered to be costly and time consuming by some customers.</p>	<p>Mitigate any negative impacts: Care will be taken to improve the understanding of the positive implications of using the Council's pre-application advice service which can benefit its customers in speeding up the process when the application is submitted and the financial savings this would save over the cost of the initial pre-application enquiry. The department will continue to monitor the time it takes to respond to enquiries and ensure that they meet the service standard set out on the guidance notes.</p>
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Positive: The current pre-application advice service allows for officers to consider the implications of any development on biodiversity and ecosystems at an early stage in the application process. Officers who are the decision-makers are able to consider the impacts of decisions on ecological interests. This system would not change as a result of the proposed revisions to the pre-application advice service and increasing the charges.</p> <p>Negative: None identified.</p>	<p>Better contribute to positive impacts: Speeds up the delivery of sustainable development.</p> <p>Mitigate any negative impacts: None</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>Positive: The revised pre-application advice service would provide support and guidance for customers when submitting a planning application and provide the opportunity for officers to enhance schemes and provide acceptable forms of the</p>	<p>Better contribute to positive impacts: The approval and delivery of development proposals can have a positive impact on health and well-being</p>




Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>development, which could improve Monmouthshire citizens' access to local services, such as shops and health facilities, or prevent inappropriate development form harming the amenity of an area, or indeed the health of local people.</p> <p>Negative: None identified.</p>	<p>and foster social and community pride in their communities.</p> <p>Mitigate any negative impacts: None</p>
<p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p>	<p>Positive: The area of work undertaken by the planning section directly and indirectly influences the appearance, viability, safety and connectivity of communities via planning policy, land use planning decisions. Providing guidance and support to customers at an early stage in the planning process enables the best forms of development possible which is critical in providing sustainable communities.</p> <p>Negative: None identified.</p>	<p>Better contribute to positive impacts: The timely approval and delivery of sustainable development proposals can have a positive impact on the character and appearance of an area, promote well-being and foster social and community pride.</p> <p>Mitigate any negative impacts: None</p>
<p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>Positive: The area of work undertaken by the planning section directly and indirectly influences local social, economic and environmental well-being via planning policy and land use planning decisions. However, the global-scale effect is acknowledged as being limited.</p> <p>Negative: none.</p>	<p>Better contribute to positive impacts: None</p> <p>Mitigate any negative impacts: None</p>
<p>A Wales of vibrant culture and thriving Welsh language</p>	<p>Positive: Planning decisions promote the value and significance of the historic built environment by ensuring that it is a direct consideration in</p>	<p>Better contribute to positive impacts: Timely planning decisions will ensure that proposals foster civic pride through well-designed development in</p>



D990137

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	<p>planning policy and land use planning decisions. Planning decisions generally facilitate the provision of playing fields and recreational schemes in general. The Welsh language is now a material planning consideration.</p> <p>Negative: none.</p>	<p>historic areas or through the removal of development that has a negative impact on a heritage designation via enforcement action.</p> <p>Mitigate any negative impacts: None</p>
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>Positive: Appropriate development management decisions should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve the five main aims of the Welsh Spatial Plan, namely Building Sustainable Communities, Promoting a Sustainable Economy, Valuing our Environment, Achieving Sustainable Accessibility and Respecting Our Environment</p> <p>Negative: none.</p>	None.

D390138

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Balancing short term need with long term and planning for the future</p>	<p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The development management function which makes planning decisions seeks to implement the policies of the LDP. By its nature, therefore, it cannot look beyond the next five year period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations.</p>	<p>Ensure that the LDP and its policies have been subject to an appropriate level of scrutiny</p>
 <p>Working together with other partners to deliver objectives</p>	<p>Monmouthshire's bespoke pre-application advice service was developed and developed around the needs for our customers and to meet their needs. It was endorsed and agreed by Members of the Planning Committee and adopted by the Council in April 2014. Members and officers of the Council have a specific interest in the subject to ensure that sustainable forms of development are developed in Monmouthshire.</p>	<p>Any observations offered by Committee have been taken into account as part of the single cabinet member approval process.</p>
 <p>Involving those with an interest and seeking their views</p>	<p><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p>The pre-application advice service review has been subject to consultation with Members of Planning Committee, whose Members have a specific interest in the subject, as well as senior officers of the Council.</p>	<p>As above.</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The revised pre-application advice service would provide the legal basis for designated officers to make timely planning decisions at an appropriate level. The scheme, as amended, should therefore enable sound planning decisions to be made.</p>	<p>N/A</p>
 <p>Integration</p> <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p><i>There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts</i></p> <p>The work undertaken by the development management service directly relates to promoting and ensuring sustainable development and its three areas: environment, economy and society.</p>	<p>The revised pre application service would facilitate the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors.</p>

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
<p>Positive: The revised pre-application advice service within the Development Management section of the Council should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve some of the main aims of the Welsh Spatial Plan, namely Promoting a Sustainable Economy, Valuing our Environment and Respecting Our Environment, be it through making timely decisions on planning or related applications to prevent harm to acknowledged interests, such as amenity, public safety or biodiversity.</p>			
Age	None	None	See above
Disability	None	None	See above
Gender reassignment	None	None	See above
Marriage or civil partnership	None	None	See above
Race	None	None	See above
Religion or Belief	None	None	See above
Sex	None	None	See above
Sexual Orientation	None	None	See above
Welsh Language	<p><i>Under the Welsh Language measure of 2011, we need to be considering Welsh Language in signage, documentation, posters, language skills etc.</i></p> <p>Welsh is treated on equal terms as English in the planning process,</p>	None	None

PS99141

4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	None.	None	n/a
Corporate Parenting	None.	None.	n/a

5. **What evidence and data has informed the development of your proposal?**

When the pre-application advice service was created it was developed on data and evidence gathered from our customers and the service was shaped by this data. The charging schedule has been amended to reflect the charges that have been introduced by the Welsh Government on 16th March 2016 within The Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016. Monmouthshire's bespoke pre-application advice service has been developed using evidence and data and will be subject to regular review to ensure that the service is efficient and is customer focused. We aim to collect feedback from our customers on the service over time and carry out regular review our performance.

6. **SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

This section should give the key issues arising from the evaluation which will be included in the Committee report template.

The work undertaken by the Council's Planning Service, and in particular the Development Management function, directly relates to promoting and ensuring sustainable development. The revised pre-application advice service would enable planning officers to engage with customers at an early stage of the planning process to ensure the most appropriate forms of development are approved within Monmouthshire. The planning process promotes sustainable forms of development, helping to create jobs and investment, while protecting material interests such as amenity, public safety and biodiversity.

In terms of the protected characteristics of age, disability, gender reassignment, race, religion or beliefs, gender, sexual orientation, marriage or civil partnership, there are no direct implications as a result of this guidance.

There are no implications, positive or negative for corporate parenting or safeguarding.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

N/A

What are you going to do	When are you going to do it?	Who is responsible	Progress

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Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:

As part of the Annual Performance Report we will report our performance on statutory pre-application advice enquires, which will be submitted to the Welsh Government and be publicly available. With the Monmouthshire bespoke service we will regularly review the service that we provide and report our performance back to committee on an annual basis.

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Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 14/03/16

Site visit made on 14/03/16

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

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

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 13/04/16

Date: 13/04/16

Appeal Ref: APP/E6840/A/15/3140244

Site address: 10 Abergavenny Road, Usk, Monmouthshire, NP15 1SB

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 grant of planning permission subject to conditions.
- The appeal is made by Mr Matthew Hamar against the decision of Monmouthshire County Council.
- The application Ref DC/2015/00263, dated 26 February 2015, was approved on 30 June 2015 and planning permission was granted subject to conditions.
- The development permitted is the excavation of a car parking area to the front of the house, the removal of wall and earth, and construction of a retaining wall/car port area.
- The condition in dispute is No. 5 which states: "The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist."
- The reason given for the condition is: "To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource."

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the condition meets the 6 tests prescribed in the conditions circular (Welsh Government Circular 016/2014, The Use of Planning Conditions for Development Management), the most relevant to this appeal being that conditions should be: necessary; and reasonable in all other respects.

Reasons

3. Mr Hamar is concerned that the watching brief and report would cost at least £600 and would appear to be unnecessary as many of the houses along this stretch of

Abergavenny Road have had similar parking areas constructed over the years and no archaeological remains have ever been found. He explains that the excavation would be quite modest covering an area only 3.5 metres by 5 metres into the bank at the same level as the road. He says this condition has not been imposed on any similar developments along the road and that his research, both anecdotal from neighbours and from whatever archaeological records he has been able to find, do not indicate any remains having been found along this stretch of road. A neighbour has also confirmed this.

4. The Council applied the condition on the recommendation of the Glamorgan Gwent Archaeological Trust, which advises the Council on such matters, and the Trust has explained why it made the recommendation. It says the site is alongside a Roman road connecting the fortress of Usk to the fort at Abergavenny and that in 1933 during the construction of these houses Roman remains were discovered on both sides of the road and that further investigations revealed an extensive Roman cremation cemetery on both sides. Thus it is of the opinion that there is a good chance further archaeological material might be uncovered when the appeal site is excavated. It also commented that artefacts may not have been found when similar excavations were carried out at other houses along the road because no archaeological watching briefs were in force.
5. I consider this explanation of the Roman cemetery to be a convincing argument to support the need for some sort of archaeological investigation. The question remains as to whether the terms of the condition are reasonable, bearing in mind the cost involved. Mr Hamar says he would be keen to inform the appropriate body when he proposes to carry out the excavation work but he considers the watching brief requirement to be too onerous. However, the Glamorgan Gwent Archaeological Trust has said this form of condition is the least onerous it recommends, and that is my experience too in circumstances such as these where there is a real chance something might be unearthed. Thus I consider it to be a reasonable requirement even though the development itself is fairly modest.
6. In conclusion, I consider the disputed condition meets the tests prescribed in the conditions circular, and for the reasons explained above I conclude that the appeal should be dismissed.

Clive Nield

Inspector