

Public Document Pack



Neuadd y Sir
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Llun, 24 Hydref 2016

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 1af Tachwedd, 2016 at 2.00 pm
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

AGENDA

Eitem ddim	Eitem	Tudalennau
1.	Ymddiheuriadau am absenoldeb	
2.	Datganiadau o Fuddiant	
3.	Cadarnhau cofnodion y cyfarfod blaenorol	1 - 12
4.	Ystyried adroddiadau y Cais Cynllunio canlynol gan y Prif Swyddog – Menter:	
4.1.	CAIS DC/2013/00349 - NEWID DEFNYDD LLAWR DAEAR TŶ TAFARN I DDEFNYDD MANWERTHU A CAFFE. TROSI A NEWID LLAWR CYNTAF TŶ TAFARN PRESENNOL I FFLAT. NEWID DYLUNIAD ANHEDDAU NEWYDD ARFAETHEDIG YN Y MAES PARCIO I FFURFIO PÂR O RANDAI DEULAWR. THE BRIDGE INN, STRYD Y BONT, CAS-GWENT NP16 5EZ.	13 - 24
4.2.	CAIS DC/2014/01185 - CAIS MATERION A GEDWIR AR GYFER CODI SAITH ANNEDD A GWAITH CYSYLLTIEDIG. TIR GER CWRT CLEARVIEW, DRENEWYDD GELLIFARCH.	25 - 34
4.3.	CAIS DC/2015/00771 - MÂN NEWID I GAIS BLAENOROL DC/2014/00412 - NEWID BOLARDAU GOLAU I OLEUADAU 4M STRYD FAWR CAE GYFERBYN Â GORSAF DÂN TREFYNWY, HEOL ROCKFIELD, TREFYNWY.	35 - 38
4.4.	CAIS DC/2015/01424 - NEWID DEFNYDD TIR I DDARPARU SAFLE CARAFANAU SIPSI YN CYNNWYS SAITH CARAFAN BRESWYL A DATBLYGIAD CYSYLLTIEDIG TIR GYFERBYN Â FFERM MAERDY UCHAF, LLANGYFIW.	39 - 100

4.5.	CAIS DC/2015/01591 - 10 ARWYDD HYSBYSEBU RHYDD-SEFYLL MEWN GWAHANOL LEOLIADAU	101 - 104
4.6.	CAIS DC/2015/01592 - ARWYDDION RHYDDSEFYLL MEWN GWAHANOL LEOLIADAU AR HYD YR A472.	105 - 108
4.7.	CAIS DC/2015/01593 - 8 ARWYDD RHYDD-SEFYLL	109 - 112
4.8.	CAIS DC/2015/01594 - 6 ARWYDD RHYDD-SEFYLL	113 - 116
4.9.	CAIS DC/2016/00415 - CAIS AMLINELLOL AR GYFER ADEILADU 8 ANNEDD YN CYNWYS 5 UNED FFORDDIADWY TIR GER Y B4293 A HEOL YR EGLWYS, LLANISIEN.	117 - 126
5.	ER GWYBODAETH - Yr Arolygiaeth Gynllunio - Apeliadau.	
6.1.	Pwll-y-Cath, Newchurch, Cas-gwent.	127 - 134
6.2.	The White House, Llanfair Cilgedin.	135 - 138
6.3.	Monahawk Barn, Hazeldene, Comin Llanfihangel Troddi.	139 - 140
6.4.	Apeliadau a dderbyniwyd - 21 Medi, 2016 i 20 Hydref, 2016.	141 - 144

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
P. Watts
A. Webb
A. Wintle
R. Chapman

Gwybodaeth Gyhoeddus

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

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i www.monmouthshire.gov.uk neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

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.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm

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

County Councillors: D. Blakebrough, R. Chapman, D. Dovey,
D. Edwards, D. Evans, R. Harris, B. Hayward, J. Higginson,
P. Murphy, M. Powell, B. Strong and A. Wintle.

County Councillors P. Farley, E. Hackett Pain, P. Jones and V. Smith
attended the meeting by invitation of the Chairman.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Paula Clarke	Planning Applications and Enforcement Manager
Craig O'Connor	Senior Development Management Officer
Jim Keech	Tree Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

County Councillor A. Webb

1. Declarations of Interest

There were no declarations of interest raised by Members.

2. Confirmation of minutes

The minutes of the Planning Committee dated 6th September 2016 were confirmed and signed by the Chairman.

3. APPLICATION DC/2015/01431 - DEMOLITION OF EXISTING INDUSTRIAL SHEDS AND THE ERECTION OF 60 NO. SERVICED HOTEL APARTMENTS, 3,700 SQM DESTINATION SPA, ANCILLARY MIXED USE DEVELOPMENT (UP TO 3,000 SQM), ENERGY CENTRE, LANDSCAPING, CAR PARKING AND OTHER ANCILLARY DEVELOPMENT. ALSO, RESERVED MATTERS FOR ACCESS APPROVAL. VALLEY ENTERPRISE PARK, HADNOCK ROAD, MONMOUTH, NP25 3NQ

We considered the application and late correspondence, which was recommended for approval subject to the 22 conditions, as outlined in the report and subject to a Section 106 Agreement.

The application had been presented to the Planning Committee held on 3rd May 2016 with a recommendation for refusal. At this meeting Members weighed up and considered the flood risk implications of the development against the economic benefits

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm

of constructing a hotel and spa at the site. The proposed development would provide significant employment and tourism benefits to the area and improve the visual appearance of the site.

As a result of the particularly significant benefits of the proposed development, the recommendation to refuse the application on flooding grounds was not accepted.

Members were informed that there still remains an objection from Natural Resources Wales (NRW). The details are outlined in late correspondence.

The options available to Planning Committee are:

- Grant consent along the lines of the previous resolution with an extra condition to require the details of the flood management plan.
- Refuse the application as per the officer report.
- Defer to undertake further modelling.

The local Member for Wyesham, attending the meeting by invitation of the Chair, outlined the following points:

- The application decision has been delayed for six months.
- The balance is weighing up the potential flood risk against the economic benefits of the proposal.
- As ward Member, the economic benefits overrides the potential flood risk.
- There is a great need for jobs in Monmouth and this proposal will bring jobs into the area. Other benefits to the area such as tourism and the promotion of Monmouthshire will be achieved.
- The local Member asked the Planning committee to consider approving the application to enable the positive benefits to the town to be generated.

The Head of Planning, Housing and Place Management informed Members that if the Planning Committee were minded to approve the scheme, we, as an Authority, would have to refer it to the Welsh Minister to consider whether or not she wishes to call the application in due to the nature of the development and flood risk.

The Chair has allowed for additional public speaking in respect of this application. The applicant and NRW had been invited to address the Committee. NRW had declined the invitation but the applicant had accepted the invitation to address the Planning Committee.

Ms. J. Kitcher, Project Development Lead for the Hotel and Spa, attended the meeting by invitation of the Chair and outlined the following points:

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm

- The unanimous approval of the application by Planning Committee in May 2016 was looked upon very favourably by the applicant.
- The flood risk modelling has indicated that there would be no detrimental effects elsewhere and were confident that the flood modelling would confirm this.
- The Applicant considered that NRW's response had been unreasonable. Whilst the applicant accepts that the role that NRW plays in providing technical advice regarding flooding and flood risk, NRW has gone beyond the clarification that Committee requested and are playing both judge and jury on the issue. NRW makes it clear in their correspondence that it is for the Planning Authority to determine whether the application is approved but by continuing to query the applicant's flood modelling and failing to confirm that the flooding will not be increased elsewhere, NRW leave the Planning Officers with little or no option to recommend refusal. However, if the Planning Committee still feels that it is unable to approve the application, the applicant has asked if the application could be deferred again and clarify how the answers to any further NRW questions or requests would be assessed and that a time frame be set for this process in order to avoid even further delays which could put the project at risk.
- The economic benefits of the hotel and spa development have been well documented throughout the extensive public consultation period and the planning process. The flood modelling consultants have answered the Planning Committee's question and confirmed that flooding will not be increased elsewhere.
- The derelict site has been largely redundant for the previous nine years. The site requires significant repair in order to create a more positive and sustainable use for the area. The hotel and spa offers a significant regeneration opportunity for Monmouth and a compelling opportunity for Hadnock Road to move away from its industrial past.
- The hotel and spa would help to deliver the Welsh Government's Strategy for luxury hotels with spa and wellbeing facilities and will create a unique and outstanding tourism destination for Monmouth and the County.

Having considered the report of the application and the views expressed, Members outlined their support for the application on the following grounds:

- The economic benefits for the town and the surrounding area were enormous.
- The development would have a positive effect on tourism in the area.
- The development was located sufficiently high enough to avoid any potential flooding. Adequate warning of any potential flooding would be identified early.
- Consultants have expressed support for the application.
- The economic benefits of the development makes good the redundant site.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm

It was proposed by County Councillor D. Dovey and seconded by County Councillor A. Wintle that application DC/2015/01431 be approved subject to the 22 conditions, as outlined in the report, and subject to a Section 106 Agreement, also outlined in the report.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01431 be approved subject to the 22 conditions, as outlined in the report, and subject to a Section 106 Agreement, also outlined in the report.

4. APPLICATION DC/2016/00714 - TWO SEMI DETACHED DWELLINGS. LAND REAR OF 61 PARK CRESCENT, ABERGAVENNY

We considered the application and late correspondence, which was recommended for approval subject to the seven conditions, as outlined in the report and subject to a Section 106 Agreement to secure a financial contribution towards affordable housing in the area.

Ms. Y. Spencer, objecting to the application, attended the meeting by invitation of the Chair and outlined the following information:

- Local residents asked that new build housing densities not be applied to this infill development in an existing residential area. The case officer states that there is already a precedent in a locality relevant to this application. Local residents contend that there is not. The other application for two semi-detached dwellings in Park Crescent was never built and that permission has now expired.
- The cumulative effect of the proposal in this current application and the developers previously approved application is the creation of a mini housing estate on a site where there was one property. Other people are waiting for the Planning Committee's decision before submitting similar applications in established areas of the town. The Committee's decision will set a new precedent. The appeal of an older area is the space and character that it has.
- The case officer's report mentioned proposals to demolish a garage and shed. When the original property was purchased the two plots were registered under two separate title deeds. The garage and shed are situated within the boundary of the other plot where planning permission has already been given. This demolition should have been included when that application should have been considered. As the demolition relates to another property, residents request that it is subject to a separate application. If Planning Committee agrees to the demolition of these buildings, this will allow access from the south. The case

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm

officer states that the current application will be accessed from the north. However, residents have concerns that construction and other traffic will access from Park Crescent if this proposal is approved. This will present a danger to both pedestrians and traffic on a busy road.

- With regard to the access, the public right of way between Park Crescent and Ysguborwen will be traversed by vehicles using this access. A resident survey indicated that 154 pedestrians but no vehicles used this access between 8.00am and 9.00am on a busy Tuesday morning. Therefore, pedestrians are not used to encountering vehicles at this location.
- Residents welcome the condition to lower the hedge along the western edge of the application site. However, there are restricted areas to the land to the north which still presents a danger to pedestrians. Health and safety provisions should be established before any movement of traffic to and from the site is allowed given the types of vulnerable pedestrians that use this route.
- The land in question is owned by Monmouthshire Housing Association (MHA). The case officer states that the applicant might have to obtain consent from MHA. Residents assert that they must obtain consent. Advice received from a planning inspector states if MHA allows for vehicular right of way, it should be evidenced because the public right of way is a footpath and not for vehicles. If MHA has objected, and not granted a right for vehicles to pass, that would be a fundamental reason why any planning permission could not be implemented. It is understood that MHA has not commented on this application but their response to the outline application is known, .i.e., MHA had objected to it. There seems to be a need for a legal discussion to take place regarding this matter. Therefore, there is a fundamental issue that needs to be answered. Residents ask that Planning Committee does not make a recommendation on this application until the applicant can legally prove vehicular right of way granted by MHA.

The applicant, Mr. P. Thomas, attending the meeting by invitation of the Chair, outlined the following points:

- The principle of the development has already been established by virtue of outline planning consent.
- The proposed dwelling will be built in a sympathetic way to fit in with the vicinity and enhance the surrounding area to help meet the new houses in Abergavenny.
- The application does not contravene any planning policies.
- Regarding neighbours' objections to loss of privacy, the dwellings are located a sufficient distance from the neighbours' houses so does not contravene planning policy in any respect, or loss of privacy to first floor windows. Habitable rooms with windows will be facing the footpath.
- There have been no objections from the Highways Department and the application is supported by the Planning Department.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm

- Therefore, the applicant asks the Planning Committee to consider granting planning permission for the application.

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

- MHA is not the applicant and is not benefiting from the application. No comments have been received from MHA.
- Concern was expressed from one Member regarding the safety aspect of the entrance to the site.
- Other Members considered that the application allows for an improvement in safety for pedestrians as some trees / vegetation will be removed.
- Access from the north would improve the access to the site. This could be added as a condition to the application.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DC/2016/00714 be approved subject to the seven conditions, as outlined in the report, with the inclusion of an additional condition that the access should be located at the north of the site. Also, the application should be subject to a Section 106 Agreement to secure a financial contribution towards affordable housing in the area.

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

In favour of the proposal	13
Against the proposal	1
Abstentions	0

The proposition was carried.

We resolved that application DC/2016/00714 be approved subject to the seven conditions, as outlined in the report, with the inclusion of an additional condition that the access would be located at the north of the site. Also, the application would be subject to a Section 106 Agreement to secure a financial contribution towards affordable housing in the area.

5. APPLICATION DC/2013/00349 - A CHANGE OF USE OF THE PUBLIC HOUSE GROUND FLOOR TO A RETAIL USE AND A CAFE. CONVERSION AND ALTERATION OF THE FIRST FLOOR OF EXISTING PUBLIC HOUSE TO PROVIDE A FLAT. AMENDMENT TO THE DESIGN OF THE PROPOSED NEW DWELLINGS IN THE CAR PARK TO FORM A PAIR OF DUPLEX APARTMENTS. THE BRIDGE INN, BRIDGE STREET, CHEPSTOW, NP16 5EZ

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

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm

The local Member for St. Mary's, attending the meeting by invitation of the Chairman, outlined the following concerns in respect of the application:

- He has not received any correspondence or communication on this matter as a Chepstow Town Councillor.
- He has received a communication from a Chepstow Town Councillor pointing out that there have been a number of objections received in respect of this application. The proposal is not in keeping with the area and will cause inconvenience to residents local to the development.
- He urged the Planning Committee to consider seriously the views put forward by local residents and Chepstow Town Council.
- The local Member had received correspondence from a local resident, as follows:
 - The local resident had only found out about the application at the site inspection that was held on 3rd October 2016.
 - The local resident lives very close to the proposed development and his objections to the plans are:
 - The proposed properties will look out of character and size for the small plot and location and will block the light and view from the riverbank to his property.
 - There are already in excess of 600 properties being built at the lower end of Chepstow and asked whether there was any need for further houses to be built.
 - No objection to the public house being converted into a café and retail facility.
 - Concerns regarding parking provision. There is already limited parking facilities for residents and tourists on the riverbank and as the public House car park is to be developed, the lack of parking provision will be exacerbated.
 - The development of the car park will be detrimental to the future plans for the public house as the development of an antique shop and coffee shop at the lower end of the town would not be sustainable due to lack of parking facilities.
- The main objection to the traffic assessment is that it doesn't seem to take full account of the complete context. If there is a retail facility, café, parking for the residents on the new development, plus the use of land that is already used for various parking purposes, the local Member suggested that there are likely to be some serious consequences and at the very least, the highways assessment needs to be re-considered.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm

- The local Member asked that all views expressed by local residents and Chepstow Town Council be considered by Planning Committee before making a decision regarding this application.

The Head of Planning, Housing and Place-Shaping informed the Committee that consultation regarding the application had taken place and that a notice had also been erected on site.

Having considered the report and the views expressed by the local Member, some Members felt that the form of the development was not suitable for the area and was not in keeping with the character of the surrounding area. The site was located within a conservation area where residents' views were protected. Approval of the application would lead to the views of residents being obscured by two modern buildings. Further parking facilities were required at this location.

Other Members considered that this was an historical site with a unique historical bridge at the heart of the site. Any potential development at the site needed to be sympathetic and in keeping with the surrounding area. Approval of the application would exacerbate the parking issues that already existed at this location. Deferral of the application to allow the applicant come up with a radical re-design of the proposed two new buildings should be considered.

It was therefore proposed by County Councillor R. Hayward and seconded by County Councillor R. Chapman that we be minded to refuse application DC/2013/00349 on the grounds of the form of the proposed building, the location within the conservation area and that it was not in keeping with the surrounding area.

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

For refusal	-	3
Against refusal	-	6
Abstentions	-	5

The proposition was not carried.

It was proposed by County Councillor R. Harris and seconded by County Councillor D. Blakebrough that consideration of application DC/2013/00349 be deferred to a future Planning Committee meeting to allow the applicant to come up with a radical re-design of the proposed two new buildings.

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

For deferral	11
Against deferral	3
Abstentions	0

The proposition was carried.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm**

We resolved that that consideration of application DC/2013/00349 be deferred to a future Planning Committee meeting to allow the applicant to come up with a radical re-design of the proposed two new buildings.

6. APPLICATION DC/2015/00938 - DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE. ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE. RELOCATION OF EXISTING VEHICULAR ACCESS. ORCHARD HOUSE, LLANBADOC, USK

We considered the report of the application and late correspondence, which was presented for refusal for the two reasons, as outlined in the report.

The application had been presented to Planning Committee on 6th September 2016 with a recommendation for approval. However, Members had not agreed with the recommendation and had been minded to refuse the application on the grounds of scale, design and highway safety.

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

- She clarified to the members of the public present that she takes no part in the decision making with regard to the Planning Committee process. She makes her representations having listened to and considered their opinions before making her decision. Planning application decisions are made by the Planning Committee. As the local Member, she will make representations on behalf of local residents.
- The residents do not consider that the minutes fully reflected the previous meeting.
- Residents continue to be concerned regarding the siting of the proposal, the design is unacceptable and they consider the proposed access to be dangerous.
- The local Member's concern regarding the safety of the highway continues. The new access, scrutinised by the highways officers, is acceptable to the site.
- Regarding the design, it has been negotiated between Monmouthshire's Planning Officers and the applicants and their agent. The local Member's opinion is that the design is innovative and environmentally sound.

Having considered the report of the application and the views expressed by the local Member, some Members expressed their support for the application as it was felt that the new access was an improvement to the existing access, the size was acceptable and the design was innovative. The Highways Department had reviewed the new access and had expressed its support in that it was safer than the existing access.

However, other Members expressed their concern regarding the application and considered that the proposed new dwelling would have a detrimental effect on the

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm

surrounding area and would not be in keeping with the design of other nearby properties.

It was therefore proposed that application DC/2015/00938 be refused on the grounds of the scale and design of the proposed new dwelling and that it would be out of keeping with the character and appearance of the surrounding area.

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

For refusal	9
Against refusal	5
Abstentions	0

The proposition was carried.

We resolved that application DC/2015/00938 be refused on the grounds of the scale and design of the proposed new dwelling and that it would be out of keeping with the character and appearance of the surrounding area.

7. Confirmation report for Tree Preservation Order MCC264 - Cae Elga, Osbaston 2016

We received a report to consider the confirmation of provisional Tree Preservation Order number MCC264 (2016) without modification.

Members were informed that the Council had received a pre-application enquiry from the owners of Cae Elga, Highfield Road, Osbaston. On 11th March 2016 the Case Officer made a site visit to discuss the possibility of infill to development in the large garden at the rear of the property. During the visit, it was noted that a mature Wellingtonia tree was situated on the northern boundary of the plot. The Case Officer advised the landowners that the tree would be a material consideration of a planning application as it adds character to the area and would need to be retained and protected during any proposed development

Prior to carrying out a site visit the Tree Officer discussed the tree with the case Officer and in light of the photographic evidence plus views of the tree on Google Street View, the opinion was formed that a tree preservation order (TPO) was expedient in the circumstances. A provisional TPO dated 12th April 2016 was prepared and served on the landowner and adjoining properties giving the recipients opportunity to submit written representations or objections (the notice period). Notice periods are required to be at least 28 days in length. The notice in this instance expired on 25th May 2016.

One letter of objection to the Order was received.

Having considered the report, it was proposed and seconded that Tree Preservation Order number MCC264 (2016) be confirmed without modification.

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

In favour of the proposal	-	14
---------------------------	---	----

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 2.00 pm**

Against the proposal - 0
Abstentions - 0

The proposition was carried.

We resolved that Tree Preservation Order number MCC264 (2016) be confirmed without modification.

8. Appeal Decision - Palace Farm, St. Tewdric Church Lane, Mathern, Monmouthshire, NP16 6JA

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 17th August 2016. Site: Palace Farm, St. Tewdric Church Lane, Mathern, Monmouthshire, NP16 6JA.

The appeal had been dismissed.

9. Appeal Decision - 22 Punchbowl View, Llanfoist, Abergavenny, Monmouthshire, NP7 9FL

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 6th July 2016. Site: 22 Punchbowl View, Llanfoist, Abergavenny, Monmouthshire, NP7 9FL.

The appeal had been dismissed and the Enforcement Notice had been upheld.

10. Appeals received

We noted the appeals received.

The meeting ended at 4.01 pm

This page is intentionally left blank

**DC/2013/00349
& DC/2013/00350 (application for listed building consent)**

A CHANGE OF USE OF THE PUBLIC HOUSE GROUND FLOOR TO A RETAIL USE AND A CAFE. CONVERSION AND ALTERATION OF THE FIRST FLOOR OF EXISTING PUBLIC HOUSE TO PROVIDE A FLAT. AMENDMENT TO THE DESIGN OF THE PROPOSED NEW DWELLINGS IN THE CAR PARK TO FORM A PAIR OF DUPLEX APARTMENTS.

THE BRIDGE INN, BRIDGE STREET, CHEPSTOW NP16 5EZ

RECOMMENDATION: APPROVE

Case Officer: David Wong- planning application; Amy Longford – application for listed building consent

Date Registered: 05/08/2014

1.0 ADDITIONAL INFORMATION

- 1.1 This application was presented to Planning Committee on the 4th October 2016 with recommendation for approval. It was deferred back to officers to look at changing the design as members felt that the form of the development was not in keeping with the character of the surrounding area. Members requested a complete re-design.
- 1.2 The applicant was informed of Members requests and considered their position. The applicants have responded stating:

The current scheme (as presented to Members at the October Planning Committee) is the result of collaborative working between the landowner and the Council heritage and planning officers. As such we feel that the approach proposed will be beneficial to the area and would be without detriment to the setting. As such I can confirm that the application should be again reported to Members for a decision to be made upon the scheme.

We note your request about a meeting to consider a revised design, however as above it is considered that given the need to elevate the living space to minimise flood risk that the present proposal represents the best design solution in this situation.

- 1.3 Following submission in 2013 the application has been through extensive negotiation. It was initially proposed to build two new semi-detached dwellings of a basic design which was considered to be of a poor standard and did not reflect the character of the Conservation Area nor that of the setting of the listed building. In addition after the submission and clarification of the flooding information it became apparent that the buildings finished ground floor level would have to be 1.5m above the existing ground level, meaning that the cottages would appear to be raised up and completely out of character with the conservation area.

Chepstow Conservation Area Appraisal, identifies this part of the conservation area under character areas 4 stating, '*It is strongly characterised and well defined by its riverside location and views. This area was at the heart of the town's river trade, with ship building docks, wine warehouses, customs house, fishery and storage yards. Running east from the iron bridge an area of seating overlooking the river was Gunstock Wharf where timber was stacked for shipment. Stone built bark houses for the storage of oak bark for tanning were located in this area*'. This shows that the character of the area was industrial, rather than residential which is reflected by the retention of many buildings of this character, listed and unlisted.

- 1.4 Given the need to increase the ground floor levels so significantly and that the character of the conservation area is more industrial riverside, it was considered that a modern interpretation of warehouse style buildings would be more appropriate. The buildings have been designed in a contemporary manner, with simple detailing, clean lines and a small palate of materials that were abundant in this part of the Conservation Area. The scale and proportions follow existing buildings such as Cromwell House and Comice House along Bridge Street. This follows an approach taken in other parts of this character area, such as the new residential development of Lower Church Street.
- 1.5 Overall the proposals are considered to be in character with the Conservation Area and would not have a detrimental impact on the setting of the listed buildings, the Bridge Inn and the Iron Bridge.
- 1.6 However, if Members are minded to refuse the application on design grounds a reason for refusal is offered below:
 1. *The proposed new build element of the application is considered to present an unsympathetic design and provide an incongruous appearance in relation to the traditional, vernacular character of the surrounding built environment, designated as a conservation area. The proposal would fail to preserve or enhance the character and appearance of the Conservation Area, and would be contrary to Policy HE1 of the adopted Monmouthshire Local development Plan.*
- 1.7 Since the previous meeting of Committee Natural Resources Wales has provided clarity on its concerns regarding the flooding implications of the proposal.
- 1.8 NRW have set a response as follows:

"Thank you for your phone call earlier today querying our letters to the above consultation on 23 October 2016 and 30 August 2016. You noted the possible differences in predicted flood levels used in our advice. Therefore I've reviewed the two FCAs (September 2015 and June 2016 prepared by Filingham Ltd) submitted by the applicant. To confirm, the FCAs both use the same flood data sourced from us on 10/06/2015.

If you refer to Appendix C in the FCAs, you'll find the flood data request (ATI-07462a) which is the raw flood data that I explained to you on the phone earlier today. Table 4 provides the flood levels over various return periods, i.e. T25 (1 in 25 year) up to T200 (1 in 200 year) and T1000 (1 in 100 year). These predictions include climate change allowances (CCA). For tidal flooding such as this, residential development should apply 100 years life time of development for the climate change allowance. Therefore the 2115 year row in table 4 is relevant in this case:

1 in 200 year CCA = 10.9m AOD
1 in 1000 year CCA = 11.4m AOD

These are the figures used in both FCAs and used by us in our latest letter on 30 August 2016 to assess A1.14 and A1.15 [reference to paragraphs in TAN15 containing key advice when assessing flood risk implications]. You will note on table 4 that the predictions include the 95% confidence bound. This is how uncertainty is factored into hydraulic flood modelling. 'Including' the 95% confidence bound is more precautionary.

However, in our letter on 23 October 2015, we provided you with the flood predictions excluding the 95% confidence bounds. We did this calculation ourselves.

We will respond to development proposals advising on flood predictions excluding the 95% confidence bounds (termed the design event) but recommend that consultants also consider flood predictions including the 95% confidence bound (termed the sensitivity event) in their FCAs to provide a full picture of flood risk.

The FCAs only use the more precautionary sensitivity event figures to assess flood risk.

So to confirm, the modelling at this location has design event and sensitivity event predictions which are:

Design Event

1 in 200 year CCA = 10.5m AOD
1 in 1000 year CCA = 10.8m AOD

Sensitivity Event

1 in 200 year CCA = 10.9m AOD
1 in 1000 year CCA = 11.4m AOD

I trust this clears up the confusion from our two letters. We have no objection with either the design or sensitivity events being used in this case.

Moving on, I should reiterate that the new duplex apartments should be wholly considered as new residential development, which should be wholly considered as highly vulnerable development. This approach is endorsed by a recent Appeal case in Queensferry, Flintshire (reference 3136858). I remind you that the aim of PPW and TAN15 is to advise caution in respect of new development in areas of high risk of flooding and direct new development away from those areas.

You also questioned the aims and differences of A1.14 and A1.15. Paragraph A1.14 sets a threshold frequency of flooding (in this case a 0.5% probability) below which flooding of the development should not be allowed. This development, using either the design or sensitivity event, does not meet this criteria.

The purpose of A1.15 is to assess how development would be expected to flood (beyond the threshold frequency in A1.14) under extreme conditions. This should be done by assessing the 0.1% flood event plus climate change allowance. The table in A1.15 provides indicative guidance on what is considered tolerable conditions in this event. The purpose of these conditions is to ensure that a development (in the presence of adequate flood warnings, preparation and appropriately equipped personnel being able to undertake emergency activities) can structurally withstand an extreme flood event and allow occupants to be evacuated or rescued if necessary. The development does not meet this criteria.

Finally, I note the officer's appraisal report states the proposals are on an area of the floodplain that benefits from flood defences. Although this is true, as stated in our letter on 23 October 2015, the defence is only designed to protect against flooding in the

current day scenario. By this we mean, in future, as sea levels will rise, flood events will start overtopping this flood defence. The level of the defence is approximately 9.6metres AOD.

In summary the proposal is not in compliance with national policy in TAN15 and this should be conveyed in the officer appraisal.”

MCC Officers’ response to these observations

It is acknowledged that the living accommodation on the first floor of the proposed new build element of this scheme would be likely to flood in an extreme event (1 in 1000 year event) up to 0.5m - the FFL of the proposed first floor new build accommodation would be 10.9m AOD while the extreme flood event is modelled to reach 11.4m AOD; the area below the living accommodation would be used as understorey parking and non-living accommodation and NRW has issues with this as property such as cars parked by the potential residents would be damaged by any flooding. Officers conclude that the proposal can be justified in this instance as the parking areas, while vulnerable, would be no worse a risk than the present situation whereby the site has a lawful use as a car park (for the pub).

In addition, the 0.5m flood level for the proposed first floor living accommodation from the extreme flood event would be within tolerance limits (indicative guidance) set out in TAN15 which considers flooding up to 0.6m high may be acceptable in particular circumstances (par. A.15). Flood proofing of the property can be advised on, and there would be reasonable time for flood warning as the flood threat here is tidal, not from potential fluvial or surface water flooding. Access onto nearby land which would not flood is easy and accessible.

REPORT SUBMITTED TO OCTOBER PLANNING COMMITTEE

1.0 APPLICATION DETAILS

- 1.1 The Bridge Inn is a Grade II Listed Building. The Bridge Inn is a 3 storey end of terrace building that has both two storey and single storey additions. The site is located within Chepstow’s town centre and is located at the junction between Bridge Street and The Back, fronting both highways. The site has an existing vehicular access off The Back and it is proposed to utilise this, along with some minor alterations to the siting of the actual access of the site, serving the proposals.
- 1.2 The proposed scheme comprises the development of 2 no. two bedroom apartments in the existing car park, with the ground floor of the Public House to be converted to form a café and a retail unit. The first floor of the Public House would be converted to a two bedroom flat with the second floor being retained as a one bedroom flat. The site is situated alongside the River Wye, off The Back. The applicant has demonstrated that there is an existing flat at the second floor.
- 1.3 The car parking is located to the east of the public house and the site lies within Flood Zone C1. Owing to the flood risks, the two new build apartments do not have ground floor accommodation and as such all living space is located at first floor level and above.
- 1.4 The apartments would be finished in timber, stone and brick with a metal standing seam roof. The design of these apartments is contemporary and is

considered to be a modern interpretation of the type of warehouse structures that would have once been prevalent alongside the river. The apartments are rectangular with an overall height of some 8.1m to the ridge, 11m in width and 11m in depth. There are no significant physical alterations to the external appearance of the public house. However, a large outbuilding is required to be demolished as part of the proposals.

2.0 RELEVANT PLANNING HISTORY

M/9685 - Addition of 5 No Letting Bedrooms. Refused 31/03/2004
M/00086 - Extension at Rear to Cover In Existing Courtyard, General Internal Alterations. Approved 03/12/1996
GW20952 - Internal Alts. & Extensions. Approved 14/12/1983

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 - Spatial distribution of new housing provision
- S12 – Efficient resources use and flood risk
- S13 - Landscape, green infrastructure and the natural environment
- S16 – Transport
- S17 - Place making and design

Development Management Policies

- H1 - Residential development in main towns
- EP1 - Amenity and environmental protection
- DES1 - General design consideration
- HE1 - Development in conservation areas
- MV1 Proposed developments and highways considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 Chepstow Town Council – Refuse.

The design of the proposed cottages would be out of character within the area, and the detrimental impact of the development on the amenity space provided by the refurbishment of the riverbank.

4.1.2 Glamorgan Gwent Archaeological Trust – No objection; there remains a possibility that the groundworks associated with the proposal will encounter archaeological remains and a condition requiring an archaeological watching brief is to be conducted during the groundworks for the development

4.1.3 Natural Resources Wales – In our previous response to you (reference CAS-11237-V6Q2, dated 23 October 2015) we advised that the FCA had not demonstrated that the consequences of flooding can be acceptably managed over the lifetime of the development, and objected to this application. The amended details show the two proposed cottages in the car park being replaced with a pair of duplex apartments with cycle and refuse storage on the ground floor. As such an updated FCA, prepared by R J Fillingham Associates Ltd, dated June 2016 has been submitted to assess the risks and consequences of flooding to the latest proposal. We note a Planning Statement Addendum has also been submitted.

A1.14 of TAN15 is clear in that all new development should be flood free during the 0.5% (i.e. 1 in 200 year) plus an allowance for climate change annual probability flood event (2115). The updated FCA states that the maximum achievable finished floor level for the proposed duplex apartments is 8.80m AOD due to site constraints and other considerations. The predicted 0.5% flood level plus climate change (2115) at the site is stated at 10.9m AOD. Therefore the proposed duplex apartments are predicted to flood to depths of up to 2.1 metres in the 0.5% plus climate change event (2115). This does not meet the criteria of A1.14 of TAN15.

The FCA highlights that the site lies within an area of the floodplain that benefits from flood defences. The protection these defences provide is only for the 0.5% current day scenario and does not provide protection over the lifetime of development up to 2115. The FCA has concluded that the new duplex apartments will be at risk of flooding but highlights that the living accommodation associated with the new apartments will remain flood free through the layout of the building i.e. the cycle and refuse storage on ground floor. TAN15 also requires applicants to assess the extreme flood event, in this case the 0.1% (i.e. 1 in 1000 year) plus an allowance for climate change annual probability flood event (2115). This event should be assessed against the criteria in A1.15 of TAN15. No assessment of the 0.1% plus climate change event (2115) has been included in the FCA. However, from the information in the FCA we can advise that the predicted flood depths to the proposed duplex apartments themselves (i.e. property) could be up to 2.6m AOD, which is above the tolerable conditions set out in A1.15 of TAN15. We are unable to provide advice on the other criteria of A1.15 due to the lack of assessment.

We note this element of the application remains unchanged. At present the public house includes an element of highly vulnerable development (i.e. housing) on the upper floor. On balance, recognising this and the change of use nature of the proposal, we do not object to this element of the application. However, your Authority should be aware that the FCA confirms that the finished floor level for the first floor flat as being 10.72m AOD. Based on this level the flat could be effected by flooding in the 0.5% plus climate change event (2115) by depths of 18cm.

- 4.1.4 MCC Planning Policy – I refer to the above amended application for a change of use of a public house to retail and café on ground floor, conversion and alteration of first floor to provide a flat and the amendment of design of two new dwellings to duplex apartments. The development of the site meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and should also be referred to.

Policy MV1 should also be referred to. The application form refers to the provision of seven car parking spaces, noting that while it is at deficit, its town centre location suggests there is less need. It is noted that the site is located close to a bus stop and two public car parks, it should nevertheless be determined whether the proposal satisfies the requirements set out in the Monmouthshire Parking Standards SPG (2013).

The site is located in Zone C1 floodplain, Strategic Policy S12 and supporting development management Policy SD3 relating to Flood Risk are therefore of relevance. The conversion of the public house to retail/café use on the ground

floor and residential on the first floor complies with Policy SD3 in principle. However, strictly speaking the new build element of the proposal is contrary to Policy SD3 as it does not relate to the conversion of existing upper floors. It is necessary to consider whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. In this respect the proposal represents a 'windfall' brownfield development within the existing settlement boundary that contributes to meeting the housing targets set out in LDP Policy S2 and thereby assists in achieving the objectives of the LDP strategy. It is also noted a revised Flood Consequences Assessment has been submitted and it must be considered whether the FCA sufficiently demonstrates to the satisfaction of the NRW whether the risks and consequences of flooding can be acceptably managed. In this respect, compliance with national policy in TAN15 may be considered to be sufficient to outweigh any potential non-compliance with Policy SD3.

The site is located within the Chepstow Conservation Area, Policy HE1 must therefore be referred to. The conversion also relates to a Grade II Listed Building and the new build development will be located in its setting, as there is no specific local planning policy in relation to listed buildings it is important to ensure DES1 in relation to General Design is considered along with Chapter 6 of Planning Policy Wales (PPW) relating to Conserving the Historic Environment. This chapter of PPW should also be referred to due to the site's location within an Area of Special Archaeological Sensitivity. Policy EP1 should also be taken into consideration.

4.1.5 MCC Conservation – no objection to the proposal.

4.1.6 SEWBREC Search Results – No significant ecological record found on site.

4.2 Neighbour Notification

There are eight objections received:

Loss of character of the Conservation Area.

The proposed design is out of character to the character of The Bridge Inn in design and appearance.

A new building would look out of character with this part of the lower conservation area in Chepstow with the historic Wye Bridge and the grade II Bridge Inn

The proposal would have a detrimental visual impact on the 1816 cast iron Wye Bridge along with the grade II listed Bridge Inn and other listed buildings surrounding.

The proposal is overpowering and is within close proximity of the river and footpath.

The proposal would increase traffic generation in this part of the riverbank area.

Access from the front doors would lead straight onto road with no pavement.

The increase in traffic generation on a small space when turning into the riverbank area off the main road and with the added increase of pedestrians visiting a now very popular social space could increase the possibility of an accident.

The proposal will overlook 5 St Ann's Street and Somerset Cottages.

Lower Chepstow and the riverbank is a conservation area and this large new building proposed and its visual impact is not in keeping with the character or appearance of the area.

The additional vehicles that will be attracted to the riverbank area are also a cause

for concern, particularly during the summer months when families and school trips are regular visitors to the area.

There is no objection to the proposal of the conversion to flats within the main Bridge Inn building.

The proposal will affect my enjoyment of the area and not enough people know about this potential development.

The first thing that you would see when entering into Chepstow over the Wye Bridge would be a building that isn't in keeping with the area.

The proposal is within close proximity to the river and would surely bring safety issues to those using the footpath.

There are enough new properties in this area already.

Losing the Bridge Inn is never a good idea.

This is a well-used open area; the adjacent river and footpath will be harmed by a sense of enclosure created by the overwhelming scale of this building.

The proposal does not preserve or enhance the character and appearance of this Conservation Area.

5.0 EVALUATION

The main issues are:

Principle of Development having regard to the Local Development Plan

The impact of the proposal upon the character or appearance of Chepstow

Conservation Area

Effect on the listed building

Neighbour amenity

Highway issues

Biodiversity

Flood

Other issues

A response to the Town Council

5.1 Principle of Development having regard to the Local Development Plan

5.1.1 Policy H1 of the Local Development Plan (LDP) applies as the proposed site is within the Chepstow Town Development Boundary. In such an area planning permission would normally be granted for residential development subject to detailed planning considerations.

5.2 Effect on the character and appearance of the Chepstow Conservation Area

5.2.1 Policy HE1 of the LDP applies as the site is within the Chepstow Conservation Area. Properties in this part of Chepstow are of diverse character and layout with a variety of architectural designs and plot sizes, and it is considered there is no single, distinct character to influence the scale, mass or design of the proposal. The site is highly visible from the public realm. Also, the proposal relates to land within the curtilage of a Grade II listed building. As such, the Council's Conservation Team has been consulted.

5.2.2 The Council's Conservation Team has offered no objection to this proposal. The overall scale and bulk of the new apartments would complement The Bridge Inn and the adjacent properties. However, the siting of the new apartments would be set away from The Bridge Inn itself and the use of 'secondary' natural materials i.e. timber cladding with bricks on the principal elevation of the apartments would mean that The Inn would remain the

dominant feature on site. The appearance of the proposal is contemporary and would add interest to this part of the River Wye corridor; a contemporary design approach was applied to the housing development along Lower Church Street, nearby. A condition would be imposed so that the detail of the materials and finishes would be presented to and approved by the Development Management Section prior to commencing development.

5.2.3 There is no doubt that the proposal would alter the 'streetscape' of this part of the Chepstow Conservation Area. However, it is considered that the proposed apartments would form part of a cluster of properties of different styles, ages and designs, and so would not adversely affect the character of the area. The overall density of development and spacing of this proposal is comparable with some of the properties in the vicinity.

5.2.4 It is considered that the proposal would have some visual impact upon the setting of the area, although given its layout, scale, appearance and design, this would be positive. To conclude, the overall character and appearance of this part of the Conservation Area would be enhanced by this contemporary addition, in accordance with Policies HE1, DES1 and EP1 of the LDP and the thrust of Chapter 6 of Planning Policy Wales (PPW), as well as meeting the statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.3 Effect on the listed building

5.3.1 The Bridge Inn is a Grade II listed building. Thus, any proposed development within the curtilage of the listed building must relate sensitively to the parent building in terms of its scale, location, design, detail and materials and avoid dominating the parent building's appearance as advised within national policy guidance for listed buildings.

5.3.2 It is considered that the proposed development will have some visual impact on the setting of The Bridge Inn in terms of the proposal's size and proximity. However, the appearance of the proposed apartments is contemporary and, as referred to above, would be finished in 'secondary materials' to underline its subservient relationship to the Inn. In addition, the new apartments would be set away from The Inn; this gap allows a 'breathing space' for the 'parent' building.

5.3.3 It is acknowledged that the proposed apartments are relatively large buildings but the mass of the proposal is comparable to some of the nearby properties and moreover, would be set away from the Bridge Inn. In addition, it is noted that there is no predominant style or grain of adjacent development, with properties having been built at different times and in different styles. The Council's Conservation Team has advised that the design of the proposal will not be in direct competition with the listed building, it being designed to be from its own time as a quality building as opposed to modern pastiche. This is considered an acceptable approach in this context. Given the above, it is considered that this application complies with the national policy for listed buildings, and the listed building's character or appearance and its setting would be preserved.

5.4 Neighbour amenity

- 5.4.1 There has been an objection from neighbours that the proposed apartments would have an overbearing impact. It is considered that the separation distance between the existing neighbouring properties and proposed apartments would be sufficient (i.e. greater than 21m) to ensure that the proposed apartments would not have an unacceptably overbearing effect, or that the outlook from the neighbouring properties would be unacceptably affected.
- 5.4.2 With regard to light, the proposed apartments would be set well away from the neighbouring properties to the south of the site and due to the orientation of the site (in relation to the neighbouring properties), the proposed apartments would be unlikely to cause any unacceptable loss of light to the neighbouring properties.
- 5.4.3 In terms of overlooking, it is considered that the separation distance between the existing neighbouring properties and proposed apartments would be sufficient to ensure that the proposed apartments would not have an unacceptable effect. Given the above, it is not considered that any impact on neighbour amenity would be so harmful as to warrant refusal of this application.
- 5.5 Highway matters
- 5.5.1 Under the current proposal, seven spaces are be proposed for residential purposes with one space for the proposed commercial units. As part of the submitted Planning Statement, the agent has demonstrated that (based on adopted parking standards) the existing uses require more parking spaces than the proposals. Highways advised that whilst the proposal does not meet local standards there is indeed betterment from the reduction in the overall requirement. In addition, the site is located in the town centre and is within walking distance of a bus stop. Furthermore, there are two public car parks located within 250m of the site. Given the above, there is no objection to this element.
- 5.6 Biodiversity
- 5.6.1 Having checked the local ecological records there is no significant ecological activity identified on site. The submitted Bat Scoping Survey informs that the surrounding habitat is suitable for bat usage, particularly the riparian corridor on the opposite bank of river. The desktop survey identified 29 bat records within the search buffer. However, there are no records relating to the actual site. There will undoubtedly be bat foraging activity around the proposed development site in summer, but there is no evidence that bats have ever interacted with this building in any way. Given the above, no further information is requested.
- 5.7 Flood
- 5.7.1 The site is located in Zone C1 floodplain, and Strategic Policy S12 and supporting development management Policy SD3 of the LDP relating to Flood Risk are therefore of relevance. The conversion of the public house to retail/café use on the ground floor and residential on the first floor complies with Policy SD3 in principle and there is no objection from NRW. However, strictly speaking the new build element of the proposal is contrary to Policy SD3 as it does not relate to the conversion of existing upper floors. It is necessary to consider whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. In this respect the proposal represents a

'windfall' brownfield development within the existing settlement boundary that contributes to meeting the housing targets set out in LDP Policy S2 and thereby assists in achieving the objectives of the LDP strategy. NRW objects to the new build element as the ground floor cycle and refuse storage area of the proposed apartments would flood during the 0.5% (i.e. 1 in 200 year) plus an allowance for climate change annual probability flood event (2115).

5.7.2 However, the ground floor level of the proposed apartments will be used as a cycle and refuse storage area, which is no different to the existing use of the site (a car parking and storage area for the public house). In addition, the proposals demonstrate that the living accommodation associated with the new apartments will remain flood free. In addition, the vehicle access to the site is in Zone C1 land and so the proposals are on an area of the floodplain that benefits from flood defences. Given the above, compliance with national policy in TAN15 is considered to be sufficient to outweigh any technical non-compliance with Policy SD3.

5.8 Other issues

5.8.1 There is no objection from Glamorgan Gwent Archaeological Trust. However, there remains a possibility that the groundworks associated with the proposal will encounter archaeological remains. Therefore, a condition is proposed requiring an archaeological watching brief to be conducted during the groundworks for the development.

5.8.2 Strategic Policy S4 of the LDP refers to financial contributions to the provision of affordable housing in the local planning authority area for proposals below these thresholds. However, this application was submitted in 2013, under the consideration of the Unitary Development Plan (now, superseded by the LDP). However, the site is extremely sensitive i.e. within a Conservation Area, within the curtilage of a Listed Building, a flood zone and an archaeologically sensitive area. Due to these factors, there had been a series of long-term negotiation between the planning authority, the developer, the agent and NRW. Therefore, it is considered unreasonable to apply the affordable housing financial contribution requirements at this late stage.

5.8.3 Some objectors are concerned that there are safety issues as the proposed apartments will be situated within close proximity of the river and footpath, and there is no pavement along the front (northern) boundary of the site. However, The Back currently has no pavement and there is no objection from the Council's Highway Engineer regarding the access and egress proposed. It is acknowledged that the site is within close proximity to the river but this does not mean it cannot be developed. This is not a planning material consideration but the developer should consult their structural engineer prior to commencing development.

5.8.4 A comment was made about not enough people knowing about this proposed development. The adjoining neighbouring properties have been consulted directly. In addition, site notices were posted and the application was publicised on the local a newspaper. Thus, the application has been publicised in accordance with the statutory publicity procedures for such an application.

5.9 A response to Chepstow Town Council

5.9.1 The responses given in Sections 5.2 and 5.3 above address these concerns.

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons

Standard 5 years for the development to commence.

The development shall be carried out in accordance with the approved plans (as listed in the table on the decision notice).

Sample of materials shall be submitted to the LPA and agreed in writing by the LPA prior to the development commence.

A detailed drainage scheme shall be submitted to the LPA and agreed in writing by the LPA prior to the development commence. The development shall be carried out in accordance with the approved details.

An archaeological watching brief is to be conducted during the groundworks for the development.

Permitted development rights parts 1 & 2 removed

Informatives:

Party Wall Act.

If any archaeological remain is found during the course of the development, please contact the Glamorgan Gwent Archaeological Trust immediately for more guidance. 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.

Foul water and surface water discharges shall be drained separately from the site.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Surface water drainage shall not be drained onto the adjacent highway.

DC/2014/01185

RESERVED MATTERS APPLICATION FOR THE ERECTION OF SEVEN DWELLINGS AND ASSOCIATED WORKS

LAND ADJACENT TO CLEARVIEW COURT, SHIRENEWTON

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 22/10/14

1.0 APPLICATION DETAILS

- 1.1 The site lies on the eastern edge of the village of Shirenewton with existing two storey housing at Clearview Court and a detached dwelling known as Ballintober forming the western boundary of the site. The eastern side of the site adjoins open farmland, which has been allocated as a new housing site for up to five dwellings in the LDP (SAH11). There is relatively modern housing on the opposite side of the road which forms the northern boundary of the site while the south of the site adjoins two barn conversions. The land rises up to the south from the road and the upper part of the site enjoys extensive views to the east and north-east. The site is within the Shirenewton Village Development Boundary.
- 1.2 This reserved matters application seeks the erection of 6 no. two-storey, detached market homes and one bungalow offered as affordable housing. Plots 1, 2, 6 and 7 would all be four bedroom detached dwellings with a ridge height of 7.8 metres and detached double garages. Plot 4 would be a two bedroom bungalow (the affordable housing unit). Plot 5 would be a three bedroom detached two story dwelling with a ridge height of 7.3m and a detached single garage and two external parking spaces. Plot 3 would be a four bedroom dwelling with dormer windows and a ridge height of 7.5m. It would have a detached double garage. All of the properties would be finished in render with some stone detailing and slate roof tiles. The access would be off the minor road which runs to Mounton and has been amended during the course of the application to comply with the requirements of Highways and the parameters of the outline application. There would be a public footway running across the road frontage to provide pedestrian access to the proposed development to the east. The roadway through the site would be approximately 5m wide with a footway on either side; there would be a turning head at the top of the site. Plot 1 would face towards Mounton Road with all the other plots would facing the estate road. It is proposed to have a stone retaining wall along the front of the site and a 0.9m high timber post and rail fence along the eastern boundary. The existing hedgerow along the southern boundary and part of the western boundary would be retained. Some new trees would be planted within the site. A pedestrian access would be provided along the western boundary of the site to provide access to the existing properties of Clear View, separated from the new dwellings by a 1.8m high close-boarded fence.
- 1.3 At the outline stage it was determined that foul water would connect to the public sewer and that surface water would discharge to the soakaways/ a sustainable urban drainage system (SUDs). The position of the soakaways are within the gardens of the individual plots.

2.0 RELEVANT PLANNING HISTORY

DC/2009/01061 Outline application for Residential Development - Approved
26/10/2010
DC/2001 Development for Residential Purposes – Withdrawn
DC/1990/01290 Residential Development - Refused

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing Provision
S2 Housing Provision
S4 Affordable Housing Provision
S5 Community and Recreational Facilities
S12 Efficient Resource Use and Flood Risk
S13 Landscape Green Infrastructure and Natural Environment.s16 Transport
S17 Place Making and Design

Development Management Policies

EP1
DES1
H2 – Residential Development in Main Villages
CRF2 - Outdoor Recreation/Public Open Space and Allotment Standards and Provisions.
SD4 Sustainable Drainage
LC5 – Protection and Enhancement of Landscape Character.
MV1 Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Shirenewton Community Council – Approve.

The Council found it refreshing that the developer had listened to the previous concerns and made some changes.

MCC Highways

Following outline approval under application DC/2009/01061 the site was the subject of preliminary discussions and dialogue between the Applicant's agent and the Highway Authority in relation to the proposed access road and junction. Whilst the proposed access road was acceptable, in principle, a vehicle tracking layout was submitted to the Highway Authority for consideration which revealed that the junction was oversized for a low density development. It was therefore recommended that the junction be revised accordingly to provide a more suitable junction which is perpendicular to the adjacent carriageway. Unfortunately the drawings submitted with the current application do not demonstrate that the points as highlighted above have been satisfied. In addition to the above we would also wish to see a 2m wide footway provided along the full site frontage.
17/10/2016

Further to the above comments there has been ongoing dialogue between the Applicant and the Highway Authority with regards to achieving a suitable access to the development. Drawing '1662 PL-01 Rev. A' has been submitted demonstrating revisions to the estate access which now shows the access to be perpendicular to the adjacent public highway and shows the provision of the requisite footways along the frontage of the site.

Following submission of the revised proposal there are no highway grounds to sustain an objection to the application subject to conditions being applied to any grant of planning approval.

MCC Planning Policy

The site was given outline permission before the LDP was adopted in the context of the UDP. Only one affordable unit is being proposed which would have been the correct requirement under the UDP. The site is within the Development Boundary and meets the requirements of Policies S1 and H2 in principle subject to detailed planning considerations. Policies DES1, EP1, S12, S13 and S17 should also be taken into consideration.

MCC Landscape and Green Infrastructure (GI)

The proposal is located within the settlement of Shirenewton, on the edge of the village and close to the Conservation Area. The site has been previously allocated for housing under the UDP with comments from the inspector emphasising that any scheme should be respectful of its sensitive setting. It has clearly been identified under LANDMAP as a landscape of high value for its visual and sensory, cultural and historical aspects, and of moderate value for its Landscape habitats and geological aspects. The proposal impacts upon the following LDP Landscape, Place-making and Nature conservation policies;

S13- Landscape, Green Infrastructure and the Natural Environment

S17- Place Making and Design

LC5 – Protection and enhancement of landscape character

GI1 – Green Infrastructure

DES 1 – General Design considerations

NE1 – Nature Conservation

Of the documents submitted in support of the application I make the following comments:

- As part of the reserved matters only a landscape planting plan has been submitted. Whilst there has been some effort at mitigation the proposals fall short of the kind of sensitivity required for a development on the edge of this sensitive village, particularly so as there has been no supporting landscape and visual or ecological baseline information to support the approach taken.

Information Missing:

- A landscape appraisal
- An Ecological preliminary survey and reptile survey.
- A GI assets/ opportunity, masterplan and management plan.

Key Recommendations

1. The existing hedge line should be retained or if possible translocated to the rear of the wall.
2. The Brad stone proposed is not a quality material for a sensitive edge of settlement development – materials should comprise render and natural stone (the latter could be limited to boundary walls for cost purposes) and slate.
3. Lower the ridge height of properties to the front of the development to be more in-keeping with the dwellings opposite and surrounding and thus allow a more gentle settlement edge frontage.
4. The eastern boundary should be strengthened and incorporate tree planting.
5. Ideally the path should connect with external access opportunities.
6. A GI Management Plan should be provided.

MCC Housing Officer

Good design. The internal layout of the kitchen may have to be redesigned.

Welsh Water - No objection; outlines conditions

4.2 Neighbour Notification

Letters received from four addresses

Proposal is different from the outline.

The limitations for the ridge height have not been adhered to.

The Access has changed from the outline and now the visibility spays are inadequate.

Finishing materials are not sympathetic.

Impact on the Conservation Area.

Construction work will damage the root structure of the hedge and this will result in a loss of privacy.

Rights of way to Clearview must be maintained.

Visibility spays inadequate

Neighbouring properties have an easement across the site.

The amendments are contrary to development plan policies DES1, ENV1 and H3

Hedgerow in front of plots 1 and 2 is incorrectly shown on the plans

Needs cross sections to show the development in relation to existing dwellings

Limited visibility from site access

Increased traffic along Mounton Road and towards the junction

Needs details of foul and surface water discharge.

Plots locations are different from those approved at outline

Larger detached garages and areas of hardstanding than indicated on outline application.

Overlooking and over shadowing

Concrete roof tiles not acceptable

Increased surface water runoff and increased flooding of the road

No consultation from applicant

This is a new application, not reserved matters.

Ridge heights are too high.

Inadequate visitor parking.

Inadequate details over the security and maintenance of the access to Clear View.

Need an extension of time to submit comments.

Outline permission should not have been approved given the close proximity and visual impact on existing dwellings.

Re-consultation in March 2016 resulted in comments being received from four addresses.

Satisfied with the revised plans

Development encroaches on neighbour's access

Planting and the wall at the front of the site restrict visibility

Ridge heights are too high

No visitor parking.

It is unclear how the pedestrian access to Clear View will be maintained.

Outline permission should not have been granted

Need to consider the impact of the new access on the opposite side of the road

Access to Clearview should be made shorter as it is no longer needed and there is an issue with security and maintenance.

Site sections are required

Retaining wall to the front is inadequate

Roof pitch of 40 degrees is too steep
Walls should be of natural stone
Foul and surface drainage details are required.
The submitted sections do not correctly demonstrate the impact on our property
Intentional omission of the two story plots, 4, 5 and 7
Request additional cross sections
Ridge heights are higher than originally required

One additional letter from a resident of Clearview Court stating that the rear access to Clearview Court was necessary and would be maintained by the local residents who used it.

Responses received following re consultation on amended plans 13/09/16

Neighbour Notification. Letters received from four addresses.

Pleased with the reduced ridge heights
Reversing out of the parking spaces for plots 4 and 5 may result in encroachment of neighbouring properties with resulting danger to children.
How will services, emergence vehicles turn at the top end of the site
Need to protect existing private access
If the road is adopted it could lead to inappropriate street lighting
Details of the construction materials are needed
There needs to be a hedgerow on the eastern boundary
Needs more details about the access
This should be treated as a completely new application, give the lapse of time since the outline was granted.
Soakaway outside the site boundary
Soakaway into damp ground; there is a need for porosity tests
Foul water will need to connect uphill.
Wall and fence adjacent to plot 7 may be 3 metres high
Natural stone should be used for the retaining wall
More details of the landscaping are needed
Content with the amended layout
Plot 1 encroaches onto neighbour's access.
Plot 7 has a side elevation (gable end) fronting the lane and the existing houses opposite which is totally inappropriate. The ridge height of this property will be some 10m above the lane, the equivalent height of a 4 storey property. The massing of this property will totally overpower the existing properties.
The surface water drainage solution for the site appears to be individual plot soakaways and appears to be based on a single 'preliminary' infiltration rate. The outline application requires that full details of surface water drainage and land drainage are submitted with the reserved matters application. Surely, further testing and investigation is required to prove that these soakaways will work before this application can be progressed. There is no evidence that soakaways or a porous surface for highway drainage will work.
Reconstituted stone walling is proposed as the boundary treatment fronting the lane. Natural stone walling is an important feature of the existing dwelling opposite and this should be used for the new site to create harmony between old and new.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The application site is within the Shirenewton Village Development Boundary and already has the benefit of outline permission for seven dwellings, so therefore the principle of residential development on this site is already established. Shirenewton and

Mynydd-bach have been identified under Policy S1 of the LDP as being a Main Village, within which small scale residential development will be allowed. Policy H1 of the LDP permits new built residential development within settlement boundaries subject to detailed planning considerations. Policy S2 reiterates this saying that within the development boundaries of Main Villages, permission will be granted for new residential development subject to detailed planning considerations including if there is no adverse impact on the village form and character and the surrounding landscape. The outline application, approved in October 2011, reserved all matters but included an illustrative layout to show how the site might be developed. It showed seven detached dwellings facing toward an access road through the site. The agent submitted a covering letter indicating the ridge height of the various plots to be developed and these were referred to in an informative attached to the decision notice. The approval therefore was in outline with all matters reserved. This current application seeks approval of all of the reserved matters.

5.2 Layout

5.2.1 The layout has all seven proposed properties with driveways accessed off a single spine road through the site, which also enables access to two existing properties at the top of the site. The access road has been reconfigured so that its junction is at 90 degrees to Mounton Road. The two storey property at Plot 1 faces towards Mounton Road, with parking behind; this helps to integrate the new development into the existing village form and reflects the street pattern of the area. Plot no 7 will have its side elevation facing towards Mounton Road and there would be a 1.8 metre high retaining wall between plot 7 and Mounton Road the retaining wall would be faced in reconstituted stone. A condition can be imposed requiring samples of the stone work to ensure that it is in keeping with the character of other stone work in the area. This will allow for continuous views into the site and give a more open feel. A footway will be provided along the frontage of the site adjacent to Mounton Road, The level of the site rises up from the road in a southerly direction. The four dwellings at the lower, northern end of the site, would all have ridge heights of 7.8 metres, as you go further up the site, plot 3 would have a ridge height of 7.5 metres, plot 5's would be 7.3 metres and the bungalow at the top of the site a maximum height of 5.2 metres; this is well below the maximum parameters indicated at the outline stage, The cross sections of the site show that the proposed dwellings will have a slightly higher ridge height than the properties on the old garage site, on the opposite side of Mounton Road, but will be lower than those properties on Clear View Court or the existing converted barns at the southern end of the site. The new dwellings would be situated towards the centre of the site, away from any existing properties. All of the dwellings would be finished in cream coloured render with some reconstituted stone detailing, slate roof tiles with reconstituted stone cills and in some cases reconstituted stone headers. The finishing materials proposed are appropriate for this area and are in keeping with the prevailing character of the area. The existing properties adjoining this site experience open views to the north and east, and the proposed dwellings have been positioned on site to preserve these views as far as it is possible to do so. The existing hedgerow along the southern boundary will be retained and a new hedgerow will be planted along the eastern boundary. There will be some tree planning within the site, mostly in the front gardens of the new properties. Along the western boundary of the site a strip of land approximately two metres wide will be left clear to provide access to the existing properties in Clearview. The proposed layout and design will contribute towards a sense of place and will respect the character of surrounding residential development, the proposal will maintain reasonable levels of privacy and amenity to the occupiers of neighbouring properties and therefore accords with the objectives of Policy DES1 of the LDP.

5.3 Highway Safety

5.3.1 Since the original submission, the alignment of the access onto Mounton Road has been altered in response to a request from the Council's Highway Engineer who is now satisfied with the layout including the footway along the front of the site. The proposed level of parking provision meets the adopted Monmouthshire Parking Standards with one space per bedroom up to a maximum of three spaces per unit. It is intended that the spine road through the site up to its interface with the private driveways of the two barn conversions will be to adoptable standards. The fact that the road is proposed to be adopted is welcomed allowing provision for the turning of a refuse vehicle at the top end of the site. As part of the adoption street lights would be introduced. This is acceptable within the village development boundary.

5.4 Residential Amenity

5.4.1 The main properties affected by this proposal are the two barn conversions at the southern end of the site, Archways and Thistledown Barn. These would share an access with the proposed development. As the land slopes up from the road, these two properties are set at a higher level than the houses on the proposed development. They face towards the proposed bungalow on plot 4 and are at least 13 metres from the rear elevation of the bungalow. There would be no windows on the side elevation of the proposed bungalow facing towards the converted barns. The existing hedge along the southern boundary would be retained between the barn conversions and the bungalow and this will preserve the privacy of the occupiers of Archways and Thistledown Barn. No's 7, 8 and 9 Clearview Court also have common boundaries with the proposed development. Although these properties are all a considerable distance from the proposed new houses they do have extensive views over the site and beyond to the east. The design of the site is such that the new dwellings have been set away from the western boundary of the site and positioned to allow the occupiers of the existing dwellings to maintain views through the site. The properties on Clearview Court are also set at a higher level. The rear access way to these properties will be retained and beyond this will be a new 1.8m high close-boarded timber fence that will form the boundary to the rear gardens of the proposed development. On the amended plan plots 1, 2, 6 and 7 would have balconies on their rear elevations, but this is not considered to be acceptable as it could reduce privacy levels to the occupiers of existing and future properties (on the allocated housing site to the east). A condition will be imposed ensuring that these balconies be removed. The property known as Ballintober has its vehicular access adjacent to the north-west corner of the site and the dwelling itself is set at a higher level, approximately 12 metres from the proposed dwelling to be built on Plot1. There is an existing hedge along part of the common boundary within the garden area of Ballintober. Sufficient privacy distances are being maintained. To the north of the site and on the opposite side of the road are the four relatively new dwellings on the former garage site. These dwellings are set at a slightly lower level and face towards the new development. The relationship between the proposed dwellings facing towards the existing ones is acceptable and there will be no unacceptable levels of overlooking especially as there is a road between the two sites. The proposal accords with the objectives of policies EP1 and DES1 of the LDP as the proposed development respects the privacy and amenity of adjoining occupiers.

5.5 Drainage

5.5.1 It is proposed that foul water will be discharged into the main sewer and Welsh Water has no objection to the proposal. At the outline stage it was conditioned that surface water be drained separately from the site and that it does not enter the public sewer or the highway network. At that time it was established that surface water would discharge into soakaways and the relevant infiltration rates were investigated and found to be acceptable. The soakaways would be sited in the gardens of the individual plots and this is considered acceptable.

5.6 Biodiversity and landscaping.

5.6.1 This site is visually prominent in the wider landscape when viewed from the east and from the north. As this site forms the edge of the settlement boundary (until the two adjoining housing sites are developed), it is important that the visual impact of the proposal is softened, to this end, a new hedgerow will be planted along the eastern boundary of the site. Amendments have been made to the layout and finishing materials of the proposal in line with the requirements of MCC Biodiversity and Landscape officers. The existing hedge is to be retained and a new one planted along the eastern boundary. The 'Bradstone' along the front retaining wall has been replaced with reconstituted stone, samples of which will be requested by condition. The ridge heights of the properties have been reduced in height and now accord with that stipulated on the outline approval. A GI Management plan will be requested by condition.

5.7 Other Issues Raised

5.7.1 The parking provision for plots 4 and 5 are within the southern boundary of the site. It will be the responsibility of the occupiers of those properties not to encroach on neighbouring properties, and it will be possible to use the turning area within the site. There is no need for a new outline application - the current outline was approved on 26/10/11 and this current reserved matters application was received on 03/10/14, within the three years required by condition. It has taken a further two years to negotiate an acceptable design but the outline permission is still valid. In the meantime the LDP has been approved and allocated this site for housing. The plan has been amended and the proposal no longer encroaches on the access to the adjoining property. The site is some distance from the Shirenewton Conservation Area and does not impact upon it.

5.8 Open Space Standards and requirements of the previous 106

A 106 legal agreement was signed as part of the outline application which required that one of the units on the site be offered as affordable housing (to be available when 70% of the market housing was completed) and that this unit only be used for affordable housing purposes. It was also a requirement that a financial contribution of £787.00 per unit be paid to the Council for the purposes of enhancing the existing children's play facilities in the locality of Shirenewton.

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons

1. 5 Years in which to commence development.
2. Development carried out in accordance with the approved plans
3. Details of the stonework along the site boundary to be approved before work commences.
4. No removal of the existing hedge on southern boundary

5. Sample of the roof slate and other finishing materials
6. A GI management plan be submitted and approved before work commences.
7. Notwithstanding the approved plans, there shall be no balconies on the rear elevations of plots 1, 2, 6 or 7.
8. No development shall commence on site until the developer has entered into an Agreement with the Highway Authority for the provision of the proposed footway for which parts are contained within the existing public highway.
9. No development shall commence on site until a detailed highway surface water management scheme has been submitted to and agreed in writing by the Local Planning Authority.
10. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority.
11. No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.
12. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].

This page is intentionally left blank

DC/2015/00771

MINOR AMENDMENT TO PREVIOUS APPLICATION DC/2014/00412 - CHANGE LIGHTING BOLLARDS TO 4M HIGH STREET LIGHTS FOR APPROVED PUBLIC CAR PARK

FIELD OPPOSITE MONMOUTH FIRE STATION, ROCKFIELD ROAD, MONMOUTH

RECOMMENDATION: APPROVE

Case Officer: Jo Draper
Date Registered: 31.08.2016

1.0 APPLICATION DETAILS

This application seeks to change the lighting detail that was previously agreed with the planning approval DC/2016/00412. The specification of the lighting columns are 4m high lighting columns, both single arm and double arm. The previous approval was for bollards (40 in total) that were to be situated around the perimeter of the site. The cost implications for this have resulted in this option being unviable. This has been replaced with six single arm lighting columns and one double arm lighting column around the perimeter of the site and two double arm lighting columns situated in the middle of the site. The car park is currently nearing completion.

2.0 RELEVANT PLANNING HISTORY

DC/2014/00465 Reinforced sprayed concrete skate park & earth/gravel BMX pump track, incorporated into the existing recreation ground. Approved 05.09.14

DC/2014/00412 Construction of a car park with 91 standard bays and 4 disabled bays on an existing field site. Approved 12.08.2015

DC/2015/01459 Non material amendment to DC/2014/00412 for re-alignment of car park extents. Approved 11.01.2016

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 Community and Recreation Facilities

S17 Place Making and Design

S12 Efficient Resource Use and Flood Risk

S16 Transport

Development Management Policies

EP1 Amenity and Environmental Protection

DES1 General Design Considerations

HE1: Development in Conservation Areas:

DES2 Areas of Amenity Importance

SD3 Flood Risk

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council: Approve

Natural Resources Wales: No comment (refer to MCC Ecologist)

MCC Ecology: Whilst the 4m bollards are not ideal as they will increase light spill to surrounding habitat, I do not object to the minor amendment. A light spill plan and assessment by an appropriately experienced ecologist has been provided.

The ecologist is correct in that the trees adjacent to the road are already illuminated. Bats and birds using trees to the south and the community nature park will not be detrimentally affected by the minor amendment.

4.2 Neighbour Notification

No comments received to date

4.3 Other Representations

Chamber of Commerce: Support proposal:

- The new car park is 95% complete and work can be finished by highway engineers and contractors in just a few days, if the application approved, in time to satisfy the increased demand from shoppers in the run up to Christmas.
- It is essential that the car park is properly lit for the health and safety of users. .
- The majority of users of this car park are expected to be shop workers on the minimum wage who struggle to find money for pay and display car parks. The majority of those shop workers are female and the new lighting will give them confidence to park there.
- . The new lighting columns have been sited to give minimum disruption to the local wildlife, including bats.

4.4 Local Member Representations

No comments received to date

5.0 EVALUATION

5.1 There are just three potential issues that arise in the consideration of this application, ecology, neighbour impact and landscape impact. As the ecologist has no objection to the proposed scheme, this issue has been considered. A key factor that has been considered by the design of the lighting is to ensure that that the lighting proposed is designed to mitigate against any significant further light-spill for ecological purposes. This will also ensure there is no wider light-spill that would have an adverse impact upon neighbouring properties opposite the site. Hence there is no significant adverse impact

upon the neighbouring amenity. The only issue to consider regarding this proposal is that of visual amenity. This is addressed separately below:

5.2 Visual Amenity

The specification of the lighting posts has been designed below the standard 6m height to take account of the sensitivity of the area. While this is not as low as the bollards previously approved, the number of columns proposed, totalling nine, is not significant given a car park of this scale. Furthermore, the lighting will not form an obvious feature from surrounding viewpoints as the tree belts that form the southern and eastern boundaries soften the viewpoint particularly from the main road. Within the site the posts will be visible, although they are few in number, and will be viewed in context with the surrounding uses of the skate-park and car park and will be visually acceptable in this context. There is no significant impact upon the visual amenity of the surrounding area.

6.0 **RECOMMENDATION: Approve**

Conditions/Reasons

1. Time Condition (five years in which to commence)
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. Plan Condition
To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3. Prior to the car park hereby approved coming into beneficial use the height restriction barrier shall be in place and retained in perpetuity unless otherwise approved in writing by the Local Planning Authority
Reason: In the interests of highway safety.
4. Protective fencing shall be installed around all retained trees in accordance with the Arboricultural Method Statement (AMS) dated 8th December 2015.
Reason: To protect valuable tree or other landscape features on site in the interest of preserving the character and appearance of the visual amenities generally.
5. All excavations and other associated works required within the root protection areas of any retained tree will be carried out in accordance with the AMS and the Root Protection Method Statement dated 20th July 2015.
Reason: To safeguard the landscape amenities of the area.
6. The scheme shall be implemented in strict accordance with Section 6.0 conclusions and mitigation of the submitted Bat Survey Report by Abbey Sanders Ecology dated June 2015. Any deviation shall be agreed in writing with the LPA before any deviation takes place.
Reason : To comply with the provisions of the Wildlife and Countryside Act 1981 regarding the requirement to protect bats and barn owls and their roosts
7. Clearance of vegetation shall not be undertaken during the bird nesting season (March to August inclusive). However, clearance may take place during these months if preceded by a pre-construction check undertaken by an appropriately experienced ecologist and the results and any necessary avoidance measures needed submitted to and approved by the LPA in writing.
Reason: To ensure retention of roosting/foraging opportunities for Species of Conservation Concern

8. Prior to the beneficial use of the site there shall be the provision of 4 new woodcrete bat boxes and 4 new woodcrete bird boxes to be situated on suitable trees under the guidance of an ecologist.
Reason: To comply with the provisions of the Wildlife and Countryside Act 1981 regarding the requirement to protect bats and barn owls and their roosts
9. The minimum height of the hedge to be 1.5 m minimum. The maintenance – should include a cut (75mm) during year 1 & 3 and thereafter maintained as required but not below 1.5m
Reason: To protect local residential amenity.
10. Landscape implementation condition
Reason: To safeguard the landscape amenities of the area
11. Retention of existing landscaping
Reason: To protect valuable tree or other landscape features on site in the interest of preserving the character and appearance of the visual amenities generally.
12. Surfacing materials to be retained in perpetuity
Reason: In the interests of highway safety.
13. Lighting condition shall be retained in perpetuity, any changes to be agreed with the Local planning Authority
Reason: In the interests of visual amenity and highway safety

Notes to Applicant

1. The applicant's attention should be drawn to Public Footpath No 134 in the community of Monmouth which runs over the proposed new vehicular access to the site. If works are to affect the availability of the legally recorded path a temporary closure of the path will be required and a permissive alternative made available. Any damage to the surface of the path also need to be made good at the expense of the applicant
2. 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).
3. Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs.
To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

DC/2015/01424

CHANGE OF USE OF LAND TO PROVIDE GYPSY CARAVAN SITE CONSISTING SEVEN RESIDENTIAL CARAVANS AND ASSOCIATED DEVELOPMENT

LAND ADJACENT TO UPPER MAERDY FARM, LLANGEVIEW

RECOMMENDATION: REFUSE

Case Officer: Kate Young
Registered: 07/01/16

1.0 APPLICATION DETAILS

1.1 The application site relates to part of a long field which hugs part of the southbound slip road of the Usk interchange on the A449 trunk road. The site covers an area of 0.9 hectares and is surrounded by mature hedgerows. An application for use of the site as a permanent base for an extended Romany Gypsy family was allowed on appeal in 2011. This allowed two pitches by the entrance to the site. In allowing the appeal, the Inspector agreed that the use of the site should be limited to the appellants only and not extended to all gypsies and travellers. Currently there is an existing vehicular access into the site, one mobile home, a utility block and two touring caravans as well as some domestic paraphernalia including a washing line and garden furniture. The use of the site seems not to have properly commenced and if it is now occupied, it has been used no more than on a sporadic basis. The current application seeks an additional five pitches. Each pitch will have hardstanding for a mobile home (two of the pitches would be twin units containing a mobile home measuring 12.2 by 8.55 metres, each would have a tourer pitch, utility room measuring approximately 6.7 metres by 4.9 metres and two car parking spaces. The site would contain two cesspits and hardstanding. A paved access drive would link the existing access to the proposed new pitches. The proposed development would be in a separate field approximately 135 metres from the site entrance. A landscaping scheme had been submitted showing substantial landscaping of the site.

1.2 A Design and Access Statement was submitted as part of the application and this is reproduced in full at the end of this report.

2.0 RELEVANT PLANNING HISTORY

DC/2009/00057 – Change of Use to site for permanent base for Romany Gypsy family. Site to contain 4 mobile homes, 4 touring caravans for nomadic use. 4 utility dayroom blocks, one railway carriage. Refused 2009. Appeal allowed 2011 (reduced scheme to 2 pitches).

DC/2013/00563 – Removal of condition 2 and 3 of DC/2009/00057 This application sort the removal for the personal permission to allow for a general gypsy site and the requirement that the use should cease and all structures be removed when the land ceased to be occupied for a minimum of 6 months. Refused

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 Spatial Distribution of New Housing Provision
- S13 Landscape, Green Infrastructure and the natural environment
- S17 Place making and design

Development Management Policies

EP1	Amenity and Environmental Protection
DES1	General Design Considerations
H8	Gypsy, Traveller and Travelling Show people Sites
LC1	New Built Development in the open countryside
LC5	Protection and Enhancement of Landscape Character
NE1	Nature Conservation and Development
G11	Green Infrastructure
MV1	Proposed Developments and Highway Considerations

Other Policy Considerations

Welsh Government Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites
2009 MCC Gypsy and Traveller Accommodation Needs and Sites Study (recently updated)

2015 Gypsy Traveller Accommodation Assessment.

4.0 REPRESENTATIONS

4.1 Consultation Responses

Llantrisant Fawr Community Council

Contrary to Development Plan

Adverse impact on village form and character

Additional traffic along narrow lanes that are liable to flooding

Lack of water supply and sewerage disposal

No supporting evidence

No evidence of proven need

No evidence of links to the Llangeview area

No link to the Gypsy and Traveller Accommodation Assessment

Does not meet the criteria of Policy H8

Llangwm Community Council – Object

The cost of clearing up the site after removal will be funded by the tax payer

Camp has been set up before consent is granted

The obvious intention is to erect a permanent dwelling in contravention of policy H6

Apparent infringement of numerous covenants preventing such usage which were entered into at the time of the sale of the land.

Threat to highway safety and increase in traffic

Absence of any mains water and electric services on the site.

MCC Planning Policy

The policy framework against which the proposal should be assessed is set out in the Adopted Monmouthshire Local Development Plan, PPW (Edition 8, January 2016) and WAG Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.

LDP Policies

- The proposed application site is greenfield agricultural land in the open countryside located some distance outside the development boundary of the nearest established settlement of Usk. The development would represent new build residential development in the open countryside and as such would be contrary to Strategic **Policy S1** of the LDP (Spatial Distribution of New Housing Provision). This policy advises that new residential development in the open countryside is only justified for the purposes of agricultural/forestry, rural enterprise dwellings or one planet development. This approach is supported by national planning policy as set out in PPW (paragraphs 4.7.8/9.3.6).

- **Policy LC1** which relates specifically to new built development in the open countryside is also applicable. The policy contains a presumption against new build development in the open countryside although it does identify a number of exceptional circumstances involving new built development that might be acceptable (subject to policies S10, RE3, RE4, RE5, RE6, T2 and T3). It is not considered that these exceptional circumstances would apply to the proposal and as a consequence it would be contrary to this policy.
- Given the site's location in open countryside, consideration should also be given to LDP policies **LC5** Protection and Enhancement of Landscape Character, **NE1** Nature Conservation and Development and **GI1** Green Infrastructure and the associated GI SPG.
- The LDP does not provide a specific site allocation for gypsies and travellers. It does, however, contain a criteria based policy **H8** relating to the development of gypsy and traveller sites. This provides the framework for assessing proposals and should be considered accordingly. It is considered that the proposal would be contrary to criteria a), b), d), f) and g) of Policy H8.

Policy H8 – Gypsy, Traveller and Travelling Showpeople Sites

Where a need is identified for transit or permanent pitches/ plots for the accommodation needs of Gypsies, Travellers and Travelling Show people, they will be permitted provided they:

- Would enable the established need to be met at a location that is accessible to schools, shops and health care, by public transport, on foot or by cycle;
- Have a safe and convenient access to the highway network and will not cause traffic congestion or safety problems;
- Are of a suitable size to allow for the planned number of caravans, amenity blocks, a play area (for children on sites housing multiple families), the access road and include sufficient space for the parking and safe circulation of all vehicles associated with occupiers within the site curtilage;
- Do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment. Where necessary the proposal will include mitigating measures to reduce the impact, and assimilate the proposal into its surroundings e.g. screening and landscaping;
- Avoid areas at high risk of flooding and proximity to uses with potential sources of pollution or emissions;
- Are of an appropriate scale to their location and do not have an unacceptable impact on the amenities of neighbouring land uses;
- Are served, or can be served, by adequate on-site services for water supply, power, drainage, sewage disposal and waste disposal (storage and collection), and for Travelling Showpeople that there is a level area for outdoor storage and maintenance of equipment.

The following LDP Policies are also of relevance and should be taken into account:

- S13 – Landscape, Green Infrastructure and the Natural Environment
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- MV1 – Proposed Developments and Highway Considerations

In the context of these policies the site is not considered to be a suitable sustainable location for a permanent gypsy site of this scale (7 pitches). The proposal is for development in the open countryside and is some distance from the nearest established settlement. The closest essential services and facilities are located in Usk and are not easily accessible from the site by either walking or cycling. In addition, the site is not served by public transport. Accessing such services would likely to be by car, contrary to local and national policy on sustainability. Although Circular 30/2007 recognises that the consideration of sustainable access to local facilities can be relaxed in the assessment of rural site provision, the applicant has provided

no evidence of exceptional circumstances to justify the proposal in this otherwise unsustainable location.

Design & Access Statement

It is noted that the applicant has submitted a DAS with the application. Paragraph 4 of the DAS incorrectly refers to the Monmouthshire UDP as the development plan for the consideration of this application and to the lack of a criteria based policy for considering permanent gypsy traveller sites. To clarify, the framework for assessing this proposal is the Monmouthshire LDP which contains a specific criteria based policy (H8) for the consideration of permanent gypsy and traveller sites and against which this application will be assessed.

Circular 30/2007

WG guidance on planning for gypsy and traveller caravan sites is provided in WAG Circular 30/2007. In identifying sites for gypsy and traveller caravans, the Circular advises local planning authorities to consider locations in or near existing settlements with access to local services such as shops, doctors, schools, employment, leisure and recreation opportunities (para 20). The Circular identifies the issue of site sustainability as being important for the health and well-being of gypsies and travellers in terms of environmental issues and for the maintenance /support of family and social networks. It advises that this should be considered not only in terms of transport mode, pedestrian access, safety and distances from services but that consideration should also be given to a range of other issues, including:

- 'Promotion of peaceful and integrated co-existence between the site and the local community;
- Wider benefits of easier access to GP and health services;
- Access to utilities;
- Children attending school on a regular basis;
- Not locating sites in areas at high flood risk...' (para. 19).

The Circular provides further advice in relation to rural sites which is applicable to the proposed application. It advises that rural settings may be acceptable in principle subject to planning or other constraints. In assessing the suitability of rural sites it advises LPAs to be 'realistic about the availability, or likely availability, of alternatives to the car in accessing local services' (para 26). While it does not advise the over rigid application of national and local policies that seek a reduction in car borne travel given that they could be used to effectively block proposals for gypsy /traveller sites in a rural location, site sustainability is a factor which should be taken into account.

Paragraph 36 of the Circular sets out other considerations, in addition to the development plan, which may be taken into account in the determination of planning applications for gypsy / traveller sites. These include 'the impact on the surrounding area, existing level of provision and need for sites in the area, availability of alternative accommodation for the applicants and their specific requirements'.

Evidence of Need

No evidence of need for the proposed development has been submitted to the LPA. The need identified in the 2009 MCC Gypsy and Traveller Accommodation Needs and Sites Study (which informed the LDP) has been met through the extant permission on the site for 2 pitches. The Council has recently updated the GTAA which found no evidence of further need for accommodation from the applicant. The applicant has provided no evidence of exceptional personal circumstances to justify the proposal. The most recent caravan counts undertaken in Monmouthshire (January and July 2015) found that the site subject to the extant planning permission (granted in 2011) was unoccupied and therefore not picked up through the counts which again suggests that the applicant has limited need for accommodation at this site.

Extant Permission: Appeal Decision

It is noted that the application is for an extension to the site granted on appeal for 2 pitches comprising 2 caravans and an amenity block in November 2011. Whilst it is acknowledged that the appeal Inspector considered the site to be acceptable at that time, the appeal site was of a much smaller scale than that proposed in the current application. The current proposal represents a considerable intensification of the site with an additional 5 static caravans, 5 tourers, 3 amenity blocks and 10 parking spaces. Moreover, this site was allowed at appeal with the Inspector having been satisfied that the appellant's needs amounted to exceptional circumstances justifying granting planning permission. As stated above, no such justification has been demonstrated in this instance.

Welsh Government Highway Division

No objection to the proposal although it is necessary to maintain the safety and free flow of the A449 trunk road. There shall be no direct access onto the A449, no works shall be undertaken which could affect the stability of the trunk road or the embankment. There should be no discharge from the site onto the highway and no interference with the highway boundary fence.

Public Rights of Way

There are no Public Rights of Way recorded on the Definitive Map.

Welsh Water

As the applicant intends utilising a cesspit facility advise that the applicants seek advice from Building Regulations. No problem is envisaged with the provision of water supply for this development.

Tim O' Donovan MCC Landscape Unit –

This type of application will have no impact upon the landscape unit and we are happy for it to go ahead.

Ben Terry - MCC Design, Landscape and GI – recommends refusal.

New built development in the countryside. New built development will only be permitted where all the criteria set out in LC1 is satisfied.

Development may have unacceptable adverse effects on the special character or quality of Monmouthshire's landscape, as defined by LANDMAP.

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment.

1. The proposal does not meet any of the criteria set out in LC1 and should not be permitted.

a. *LC1 sets out strict criteria for assessing development proposals and seeks to ensure that in exceptional circumstances where new development may be permitted in the countryside, there are no adverse impacts on the environment.*

2. The proposal would have an unacceptable adverse effect on the special character of Monmouthshire's landscape, in particular.

a. *The change of use and amount of development proposed would cause a significant adverse change in the character of the natural landscape; evaluated as high and/or outstanding, as defined by LANDMAP. Particular emphasis is given to those landscapes identified through the LANDMAP Landscape Character Assessment, as being of high and outstanding quality because of a certain landscape quality or combination of qualities.*

- b. *The change of use and amount of development is insensitively and unsympathetically sited within the landscape.*
- c. *The change of use and amount of development fails to harmonise with, or enhance the landform and landscape.*
3. No landscape or visual appraisal was submitted, or contained within the DAS. Policy LC5/DES1
4. Insufficient information within their Design and Access Statement (DAS). Policy DES1
5. The DAS contained little information to support the proposal. An appraisal of landscape character and a visual appraisal would have provided the applicant with the necessary information to develop their proposal properly; informing the design, its scale, massing of units and its layout. The design process should be clearly illustrated within the DAS and in other supporting documents.
6. It is in my opinion, that having undertaken the appropriate assessment and/or appraisal of site constraint's and opportunities, the principle of development would have been deemed unacceptable; development will only be permitted where it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape.
7. This area has a high scenic quality with strong topography and vegetation cover and long views across the Usk valley. Fields are enclosed by a strong patchwork of hedges and hedge banks, which generally retain their intactness and integrity as agricultural use. The topography and scattered rural settlement pattern is an integral part of its landscape character; this is relatively rare in the county. The proposed development is sited incongruously within the landscape.

MCC Biodiversity

Please accept this email as interim comments for the private gypsy caravan site. I have undertaken a brief desk based assessment of the application, previous applications and considered local biological records and local habitat knowledge. It is difficult to assess the potential impacts of the development without having a preliminary ecological appraisal to consider these impacts although it is accepted that the site is relatively small and that considerable landscape proposals are included.

The main extension area is grassland. The nearby areas of grassland associated with the dual carriageway i.e. large verges around the interchange are good to high quality species rich grassland. The site is adjacent to planting and trees associated with the dual carriageway and farmland hedgerows, their quality is unknown but they will largely remain. A pile of debris has been noted on the narrower area adjacent to the slip road which, in combination with other habitats on the site, may be attractive to reptiles.

The quality of the grassland on the site is unknown and therefore, it is difficult to assess if there is an impact and whether we need to consider LDP policy NE1. The presence of protected or priority species is unknown. It may not be reasonable to impose a reptile method statement as the presence/absence has not been established.

When considering the MCC Biodiversity Checklist it indicates we should be considering habitat quality, reptiles, birds, badgers and potentially other protected species. It should be for the applicants to provide us with this information as part of the application.

MCC Highways

Whilst we as Highway Authority have no objection to the development, in principle, the following shall be addressed prior to any grant of approval.

Drainage – No details of the proposed means of draining the forecourt/hardstanding area has been indicated. We have reservations regarding the uncontrolled nature of the disposal of surface water from the site. There are concerns that the removal of the topsoil and

replacement with gravel will affect the overall groundwater drainage characteristics of the site and give cause to saturation of the gravel forecourt/hardstanding due to the underlying clay and in turn affecting the efficient operation of the proposed septic tanks. In light of this the applicant is required to provide further details.

Access – Based on the desk top track analysis that was previously carried out as it is clear that the delivery of the proposed mobile homes cannot be undertaken along the C214-1 route without the need to remove hedgerows and widen the existing route particularly at the existing bends. This is particularly the case when you consider the increase in dimensions of the mobile homes. The issue is whether the development can be established as we have reservations whether they could successfully deliver the proposed mobile homes to the site without significant highway improvements albeit on a temporary basis.

Parking – The proposed parking for each individual dwelling unit is satisfactory and there is ample room within the application site, should there be the requirement for additional car parking, therefore will have no adverse impact on the adjacent public highway.

Usk Civic Society

Usk Civic Society objects to this application for residential pitches for seven caravans, plus pitches for touring vans and ancillary facilities. While it notes that MCC's Gypsy and Traveller Accommodation Assessment identifies a need within the county for eight residential pitches, it does not in its view follow that the Llangeview site is appropriate for all or any of such provision.

Seven pitches on the site would be very crowded and constitute overdevelopment. The existing permission for two pitches for the use of the Lee family relied on exceptional factors relating to their needs as a family unit and was granted in spite of some shortcomings in the amenities of the site. No evidence has been adduced of additional need for accommodation at this location.

The Society notes and agrees with the comments on development policy by Rachel Lewis, in particular the limitations she identifies in the site from the point of view of access to amenities including schools. The site is relatively remote and only accessible for much of the time by car along a narrow lane. It is not suitable provision for an increased number of residents.

The traffic movements which would be generated by a seven pitch facility at the Llangeview site, including large static and touring caravans, would be excessive for the narrow and twisting lane which is the only access to the site. Local residents have testified to the difficulties which have already been encountered in attempting to place a static caravan on the site. MCC's own highways department has asked that the applicant demonstrate by what means the caravans are to be brought safely to the site. The disruption and inconvenience to existing residents in the area from this extra traffic is not acceptable.

4.2 Neighbour Consultation Responses

Letters of Objection received from 10 addresses

The Lawful Use of this site is agricultural as the gypsy site has never been occupied.

No Demonstrable Need

A high pressure water main crosses the site

This is a speculative application

New dwellings in the open countryside is contrary to LDP policy

The vital need for the previous application never materialised

No one has lived on the site for the past 5 years

The site is a total eyesore

Landscape plan not complied with

The gypsy site use of the land has been lost so this current application is not for an extension to the existing site

There are covenants on the land restricting the use to agricultural use

Contrary to previous permission

Further rubbish will be stored on the site
 Increase in traffic flows
 Damage to the road surface and the trees during the delivery of the vans
 Loss of wildlife
 Devastating effect on the neighbouring Listed Buildings including St David's Church
 Damage to the historic value of the site
 Out of keeping with the rural character of the area
 Unsatisfactory means of foul drainage with so many people using the site
 There is an easement for the mains water pipe running through the site
 This is a flood risk
 No consultation with Monmouthshire Gypsy and Traveller Accommodation Needs Assessment
 Restricted visibility from the existing access
 The site is highly visible when viewed from the slip road
 Many walkers use this lane and it is not suitable for caravan delivery
 Additional hard surfaces in place of greenfield sites will add to flooding
 No street lights or amenity faucitis for small children
 Travellers should pay a financial contribution for facilities such as school places, repair to roads, cleaning the site and for damage to drainage system
 Lack of infrastructure provision within the area
 The site is always vacant
 Neighbouring properties have been renovated sympathetically under CADW Guidelines, does this current proposal comply with those guidelines?

5.0 EVALUATION

5.1 National Background

- 5.1.1 By way of general background, a survey in March 2009) from the Equality and Human Rights Commission (EHRC) highlighted the urgent need to provide lasting solutions to Gypsy and Traveller accommodation under-provision. It notes that the majority of the 300,000 Gypsies and Travellers in the UK are conventionally housed; a further 17,900 caravans are recorded in England and Wales but about a quarter are not on authorised sites. Previously, local authorities had a duty to provide sites for Gypsies and Travellers but this was repealed in 1994, a situation which apparently led to a rise in unauthorised encampments. The requirements of the Housing Act 2004 and (in Wales) a Circular in 2007 ("Planning for Gypsy and Traveller Caravan Sites") requires LPAs to undertake an initial assessment of needs followed by the selection of sites if that is required. The planning system is largely land-use based, but the consideration of Gypsy and Traveller caravan sites requires a wider perspective to be taken – an approach reflected in appeal decisions and case law which has identified the need to maintain the lifestyle of a section of the community as a factor in decision making, along with the right to a proper education. The courts have held that a balancing exercise must be undertaken weighing the harm arising to the public interest against the rights and personal circumstances of the appellants, with the availability of accommodation provision also being a material consideration.
- 5.1.2 Circular 30/2007 sets out guidance on the planning aspects of finding sustainable sites for 'Gypsies and Travellers' who are defined in the Circular as follows: "*persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such*". Previous applications for this site have established that some members of the Lee family, notably Star Lee, do comply with this definition and the Council is not questioning the

Gypsy status of the applicant in this case. The main issue of this current application is whether the personal circumstances of the applicants are such that they outweigh general planning policy and to assess why the provision of seven pitches is required on this specific site.

5.1.3 Paragraph 5, of circular 30/2007 identifies that some gypsies and travellers may wish to find and buy their own sites and to develop and manage them themselves (rather than having sites provided and run by the Local Authority). This appears to be the case in this instance. The applicants own this land and wish to develop it themselves to provide a total of seven pitches. Paragraph 7 states *“There is a need to provide sites, including transit sites, in locations that meet the current working patterns of Gypsies and Travellers. In view of the changes in their work patterns, these may not be the same areas they have located in or frequented in the past. And paragraph 8 continues. This needs to be balanced with the responsibility of Gypsies and Travellers to respect the planning system. A more settled existence can prove beneficial to some Gypsies and Travellers in terms of access to health and education services, and employment and can contribute to greater integration and social inclusion within local communities. Nevertheless the ability to travel remains an important part of Gypsy and Traveller culture. Some communities of Gypsies and Travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.”* While both of these paragraphs may be of relevance to this current application no evidence has been supplied to support this.

5.1.4 Although aimed at the identification of sites through the LDP process, the advice in paragraph 19 of the Circular is relevant in general terms in identifying aspects of site sustainability in terms of issues including:

- The health and well-being of Gypsies and family life
- Access to GPs and health services
- Access to utilities including waste recovery and disposal
- Access for emergency vehicles
- Regular school attendance and other educational provision
- Safe play area
- Environmental damage caused by unauthorised encampments
- Nature conservation and landscape interests.

Although it can often be the case that urban sites might be considered more sustainable, paragraph 26 of the Circular says that acceptable sites may also be found in rural or semi-rural settings and advises against the over-rigid application of development plan policies seeking to reduce car-borne travel.

5.1.5 Paragraph 36 of the Circular refers to the statutory duty of local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise, and says that other considerations for Gypsy and Traveller site applications, will usually include the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances. Ensuing paragraphs set out general advice aimed at encouraging a dialogue between the local planning authority and the Gypsy community. The LPA are asked to provide advice and practical help with planning procedures and the Gypsy community are advised that they should always consult local planning authorities on planning matters before buying land on which they intend to establish any caravan site requiring planning permission. In this case planning officers have requested additional information from the applicant in order to help establish the facts and this was received in the form of an email on 23rd March 2016.

5.2 Evidence of Need

5.2.1 On the 3rd February 2016 a report on the Gypsy and Traveller Accommodation Assessment was presented to MCC cabinet. The purpose of this report is to inform the LDP's Annual Monitoring Report and the LDP Review Process to meet the current and future needs of Gypsy and Traveller Sites. This report is produced in full in Appendix 2. The assessment found that there was a higher number of Gypsy and Traveller households in the County than was previously thought with an estimated need for 8 pitches to 2021. This was based on levels of overcrowding, unauthorised occupation and the likelihood of cultural aversion to conventional housing (some of this demand was from within the Brecon Beacons National Park, outside this planning authority's administrative area).

5.2.2 As part of this assessment an officer from the Council's Housing Department visited the site and spoke to members of the Lee family. Those family members declined to co-operate with the survey and instead directed the officer to the family advocate Angus Murdoch, who is also the agent for this application. Despite repeated calls and emails from the housing officer to Mr Murdoch no information was presented.

5.2.3 Circular 30/2007 makes it clear that LPA's should use the Accommodation Assessments when determining planning applications for Gypsy Sites including Private Sites. It also states in paragraph 37 that in order to encourage private site provision the LPA should offer advice and practical help with the planning process and that in return Gypsy and Travellers should always consult LPA's on planning matters before buying land on which they wish to establish a site. In the case of this site in Upper Maerdy Farm the local planning authority (LPA) and Housing Department have tried to offer advice to the applicants and their agent but with little response.

5.3 Principle of Development and Development Plan Policy

5.3.1 Paragraph 36 of Circular 30/2007 refers to the statutory duty of local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise, and says that other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances.

5.3.2 The application site lies in open countryside outside of any development boundary defined in the LDP. Policy S1 of the LDP only allows for new residential development in exceptional circumstances, these being rural building conversions, sub-division of existing dwellings and dwellings necessary for a rural enterprise. No such justification has been put forward so the application seeking what essentially amounts to seven new residential units in the open countryside is contrary to Policy S1 of the LDP. Policy S1 reflects government guidance that new dwellings in the open countryside should not normally be allowed. The policy refers to new residential development and the proposed seven residential caravans do constitute residential development.

5.3.3 LDP Policy LC1 states that there is a presumption against new build development in the open countryside unless justified under national policy or is necessary to sustain a rural enterprise, or is for agricultural, recreation or tourism purposes. In this case no justification has been put forward that the site is needed for any of these specific purposes so that the development is considered to be new built development in the open countryside without justification and therefore contrary to Policy LC1. The development would result in a substantial amount of new build with three utility rooms measuring up

to 6.7 m x 4.9 m with a pitched roof 4 metres in height, in addition to this there would be a significant amount of hard standing and 5 additional mobile homes measuring up to 12.2 m x 8.5 m as well as the inevitable domestic paraphernalia.

5.3.4 As stated above, LPA's are required to assess the accommodation needs of Gypsies as part of the LDP process and that LDPs should include policies for the provision of Gypsy sites. The Council commissioned a Gypsy and Travellers Needs and Sites Study in 2009 to inform the LDP. The report found that Monmouthshire has a very low gypsy and traveller population with only one authorised private site containing one caravan. Since then permission has been granted on appeal for two units at Maerdy Farm. At the time the study found that the Maerdy Farm did not represent need as it was infrequently and little used. As a result of lack of need no specific Gypsy sites were allocated in the LDP however it was considered that there was a need to guide future applications for Gypsy sites. Subsequently Policy H8 of the LDP provided a framework against which proposals for Gypsy, Traveller and Travelling Showpeople sites will be assessed.

5.3.5 Policy H8 (quoted in Section 4.1 above) should only be used where a need has been identified. In this case the LPA has not been convinced that there is proven need for these additional pitches. Notwithstanding that no need has been proven the proposal will be assessed against criteria a) to g) of Policy H8 above. The site is of sufficient size to meet the needs of any occupiers and is not at risk from flooding or pollution. The site already has the benefit of services including power, water supply and foul drainage it therefore it complies with criteria c), e) and g) respectfully. The site is not in a sustainable location, a primary school, shops and health care facilities are available in the town of Usk which is approximately 2 km away however Usk is not accessible from the site by means of public transport or on foot. This was recognised by the Inspector when allowing the previous appeal saying that "The site is typical of many rural locations in that its distance from local facilities combined with the unlit, narrow winding nature of the country lanes and the absence of a dedicated footway provision, means that the occupiers are likely to rely on a car to access most day to day services. In terms of this aspect of sustainability... the location of the site does not perform well". The Inspector then reminds us of the advice given in paragraph 26 of Circular 30/2007 promoting a more pragmatic approach to car borne journeys in relation to users of Gypsy sites. While the proposal is contrary to criterion a) in that this is not a sustainable location, this issue can be overlooked in light of the advice given in the government circular. Criterion b) refers to vehicular access to the site. The site is accessed by a very narrow and winding lane which accesses off the B4235 Usk to Chepstow Road about 1 km away. This narrow lane serves several residential properties including several converted barns at Upper Maerdy Farm. The traffic generated from 7 residential units on the site may put pressure on this local lane and this will be exacerbated by the frequent movement of touring caravans along the lane to the site. The narrow lane is not considered suitable for this volume of traffic. It has already been established that any occupiers of the site would be dependent on the car for all trips to local facilities. In addition it has been evidenced in the past that the lane is not suitable for the static caravans to enter into the site. The proposed site is contrary to criterion b) of Policy H8 as it does not have a safe and convenient access to the highway network and it may cause traffic congestion and safety problems for users of this narrow lane. The highway safety aspect will be considered in more detail later on in this report.

5.3.6 Criterion d) refers to the visual impact of the proposal. Although the site is relatively well screened by mature hedgerows development on the site will be visible from the A449 trunk road and the adjacent slip road especially in winter when there is less leaf coverage. The site is relatively flat and low lying and could not be said to occupy a prominent location, however this scale of development would clearly be visible when viewed from the surrounding road network even during the summer months. When

allowing the previous appeal for two pitches the Inspector thought that the development was acceptable in visual terms due to the “modest nature of the scheme” but this is not the case with this more intensive scale of development. A landscaping scheme has been submitted as part of the proposal but even this will not completely screen the site from view from public vantage points and it will take several years to establish. A more detailed appraisal of the visual impact of the proposal will be considered elsewhere in this report but at this stage we can say that the development does not comply with criterion d) of the policy as it will not protect or enhance the landscape character of the area. The site would cover an area of 0.9 hectares which represents large scale development in this rural location. The adjoining land uses are agricultural, residential and highway land. The proximity of such a large site so close to existing residential properties could have an adverse impact on the residential amenities of the existing occupiers and so the development is not considered to be of an appropriate scale for this location and is therefore contrary to criterion f) of the policy.

5.3.7 The proposal is contrary to criteria a), b), d) and f) of Policy H8 of the LDP. The next section will consider whether the applicant’s needs constitute so significant a consideration as to justify approving the application.

5.4 Other Material Considerations

5.4.1 In evaluating the application, regard must also be had for ‘other material considerations’ as required by good practice and government guidance, including a consideration of whether there are any ‘very exceptional circumstances’ which justify setting aside land use policy considerations. The main issues in this case are need and the availability of alternative accommodation.

5.4.2 *Exceptional Circumstances of the applicants*

The Design and Access Statement submitted with the application states that the site is needed for Gypsies and Travellers and the Council accepts that the applicants are Romany Gypsies.

In addition the applicant’s agent submitted an email in March 2016 outlining the personal circumstances of the applicants. This has not been published on the web site as it is considered personal information. The email outlines that pitch one will be for Star Lee, who already has a personal permission to occupy this pitch. The person who was granted personal permission to occupy plot 2 has subsequently died and permission is now sought for this plot to be occupied by a 22 year old man who currently lives in the Shirenewton site in Cardiff, with his mother. It is stated that he is no longer able to live with his mother as he has reached maturity and that he is now subsequently homeless. The information received in relation to this states.

“He is homeless and parking up where he can because once he reached maturity and formed his own household the licence agreement on his mother’s plot on the Shirenewton site required him to vacate the pitch. However it is essential that he lives with his family as he is effectively the main breadwinner, despite his young age.”

Of the proposed new plots, three of these would be for the applicant’s family, his mother and her two children aged 13 and 15 years, and his grandmother and her 45 year old son who suffers from epilepsy, as well as his great uncle who is 80 years old and cared for by the grandmother. The remaining two new plots would be for another family, a mother and her three children two of which are of school age, one suffering from cystic fibrosis. All these people currently occupy pitches on the Shirenewton Gypsy site in Cardiff.

5.4.3 *In support of the application, the following statement has been submitted.*

"It is clear from the foregoing, due to either caring responsibilities for close family members or for reasons of ill health/disability themselves, the applicant is fit, well and able to work. Unfortunately, he is no longer permitted to live on the Shirenewton site despite his family's increasing need for him to help care for them. The purpose of the application is to bring the family together again on the same site where the applicant can look after his family in the extended Romany Gypsy tradition, this being a material consideration of significant weight. Unfortunately, the Shirenewton site itself has been subject to prolonged anti-social behaviour with police raids and other matters which have made the family's life there intolerable. The police will be able to verify that this family has not been involved in the anti-social behaviour on that site and are of good character and standing in the community. However as the family members grow older, their resilience to such behaviour lessens, particularly in the absence of Tom Lee to protect them. This matter also attracts significant weight. Relocating from the Shirenewton site would also free up pitches for those families on the waiting list for the site, a matter which also attracts significant weight."

5.4.4 Whilst the Council sympathise with the medical conditions of this group of people they are not so unusual as to justify overriding Development Plan policy and are not unique to these individuals. With regards to the four children who are of school age, they could continue their education within the Cardiff area where they currently have closer access to schools. An email was received in July 2016 from a housing officer for Cardiff Gypsy and Traveller sites, which said that:

"There is no reason why the family members mentioned cannot stay on the Shirenewton site. There is nothing in the Written Agreement to say that once a child has reached a certain age that they have to move off site. Once a child (Dependant) reaches adulthood he then becomes a (Non Dependant) where a charge of £14.55 is applied to any family claiming Housing Benefit. Tom Lee left site of his own free will and was never forced off site by the local authority. The only part that would cause concern about an extended family would be the space restrictions as stated in part of the Written Agreement: Space restrictions on the plot where the applicant resided did not present itself as a concern."

5.4.5 It is therefore concluded that there are no compelling reasons why the applicants cannot remain on the Shirenewton Site in Cardiff where there are adequate facilities provided for the family and their needs. It appears that the move from the Shirenewton site to this site near Usk, is more a case of personal preference rather than an exceptional personal circumstance of the applicants. It is understood that Star Lee does not wish to live on plot one alone and that circumstances have changed since the original permission granted for two plots in 2011 but this is no justification for allowing for an additional 5 plots, contrary to overarching Development Plan policies.

5.4.6 With regards to a local connection to this particular site at Upper Maerdy Farm near Usk the agent states that. *"The reason why the family chose this site was because of their close ties to the area, in particular Star Lee. On top of that, the applicant's father was born in the Pontypool Traveller site and brought up in the area. His Uncle was born in Usk itself whilst the family were travelling in the area for work. The applicant also travels for work in the area and has done for many years. As raised above, the intention is to bring the other family members on to the site so that they can all be together again in a safe and secure environment."*

The Council has not been supplied with details of the applicant's work in terms of its nature and location, however there is nothing to suggest that there is a functional need for him to reside in this specific location in order to carry out this work, rather that it appears to be a personal preference to live closer to his place of work.

With regard to need neither the applicants nor their agents have given sufficient evidence to suggest that there is a need for the additional five plots on the site. There is no substantial evidence to support the applicant's claim that they are no longer able to

stay at the authorised public site in Shirenewton. The GTAA has identified that additional pitches are required within the County but the applicants, to the best of our knowledge, have not made a request for a site. There are no alternative Gypsy sites within Monmouthshire, public or private although there is a private site for one family in Crick but this is a personal consent. When compiling the current LDP there was no proven need to provide any Gypsy sites and no evidence has emerged in the Gypsy and Traveller Accommodation Assessment identifying an accommodation need for the applicants with Monmouthshire.

5.5 Visual impact

5.5.1 This application seeks new built development in the open countryside where policy LC1 of the LDP will apply. Policy LC1 states that there is a presumption against new built development in the open countryside. It then identifies some circumstances where exceptions may apply such as where development is needed for agriculture or tourism. There is no such exception for Gypsy sites. The proposed development will not be satisfactorily assimilated into the landscape, as stated above it will be visible from several public vantage points particularly during the winter months. The proposed caravans and associated structures will not be located close to the approved caravans; in fact they will be at least 130 metres to the north of the approved caravan and located in a separate field. The proposal represents new residential development that is not well related to the rural character of the area. As will be demonstrated below the proposal may have an unacceptable adverse impact on the landscape but there is insufficient information to evaluate this. The proposal is clearly contrary to Policy LC1 of the LDP as none of the criteria set out in that policy have been satisfied. The applicants have failed to provide a landscape assessment, although a landscaping scheme has been submitted, and have not demonstrated how landscape character has influenced the design, scale, nature and site selection. Without this information it is difficult to fully assess the landscape impact of the proposal. An appraisal of the landscape character and visual appraisal would have provided the applicant with the necessary information to develop their proposal properly, informing the design, scale, massing and layout. The design process has not been illustrated or explained in either the Design & Access statement or in any other supporting documents. Without this work being carried out it is difficult to assess the impact of the proposal on the landscape. The proposed development may have an unacceptable adverse effect of the special character of this part of the Monmouthshire countryside. The proposed development, due to its size and incongruous location may be contrary to Policy LC5 of the LDP as the applicants have failed to demonstrate that the proposal would not harm the landscape character of the area.

5.6 Highway Considerations

5.6.1 The application site is accessed from a narrow rural lane which is an unclassified route C214-1 leading from the B4235. The C214-1 is predominantly an access road providing access to a limited number of dwellings and agricultural buildings and fields and although it is a through route, the southern part has more appropriate access routes available. The C214-1 is generally single track with infrequent areas of localised widening or passing bays. The proposed development, once established will result in an increase in vehicular movements along this narrow country lane. The applicants have not provided any information relating to the increase in trip generation as a result of this proposal but the Council's Highways Officer considers that there would be adequate capacity within the road network to accommodate the likely increase resulting from seven additional residential units. Following granting of permission for the original two caravan, it became clear that the caravans could not be brought onto the site along the C214-1 without widening the road or removing hedgerows, as the road is so narrow. The

applicants have not said how they intend to bring the caravans onto the site. This would need to be carefully considered before planning permission could be granted. There is sufficient room on the site to accommodate car parking in line with the adopted standards. No details of the proposed means of draining the forecourt/hardstanding area have been indicated. There are concerns over the uncontrolled nature of disposal of surface water from the site which may cause flooding on the nearby road network.

5.7 Biodiversity

5.7.1 It is difficult to assess the potential impacts of the development without having a preliminary ecological appraisal to consider these impacts although it is accepted that the site is relatively small and that considerable landscape proposals are included. The applicants have been asked to carry out a Preliminary Ecological Assessment of the site and this information is awaited.

5.8 Residential Amenity

5.8.1 Opposite the entrance to the site is a detached property known as The Yews. The proposed five new plots will be approximately 170 metres from The Yews, this is further than the distance from the approved plots 1 and 2 to The Yews which is approximately 40 metres. When allowing the previous appeal on the site, the Inspector did not refer the residential amenity of neighbouring properties and must therefore have considered the situation with regards to two pitches to be satisfactory. The distance of 170m is considered acceptable and should not impact on the visual or privacy aspects of the occupiers of The Yews. The impact caused by additional traffic using the vehicular access into the site so close to The Yews may have a disturbing impact on occupiers of that property. However this impact is not considered to be so significant as to form a reason for refusal. There are no other residential properties close enough to the proposed site to be significantly adversely affected by it.

5.9 Drainage and Flooding

5.9.1 It is proposed that foul water will be disposed of via a cess pit. There is sufficient land available within the site to provide a cess pit with the associated access and Welsh Water have no objection to this proposal. Surface water will be disposed of via soakaway, again there is sufficient land available within the site to provide this. Welsh Government Transport have no objection provided that no drainage from the site be connected to or allowed to discharge into the trunk road drainage system.

5.9.2 The site is not within a flood zone defined in the DAM maps of TAN 15 and neither is the site known to be prone to flooding. The proposed development will increase the area of hard surface as opposed to a greenfield site and this may alter infiltration rates but surface water is capable of being managed acceptably within the site and should not lead to a flooding issue on surrounding roads or properties.

5.10 Other Issues Raised

5.10.1 The presence of covenants on the land restricting the use to be agricultural is a private legal matter and not a material planning consideration. The applicants are aware of the water main crossing the site and have not proposed any built development within the easement. If rubbish is being tipped at the site this is a matter for the Council's Environmental Health service and should have no bearing on the outcome of the planning application. It has become evident from past attempts that it is extremely difficult to deliver mobile homes to this site without causing substantial damage to both the mobile homes and surrounding vegetation but this is a logistical problem for the

applicants to overcome, should the application be approved rather than a reason for refusal. The site is not of sufficient size to warrant amenity space for children or street lighting. Utilities including water supply and electricity are already available on the site. All other issues raised by the two community councils have been discussed in detail in the report above.

5.11 Conclusion

5.11.1 If the application is considered solely on land-use policies it is clear from the foregoing appraisal that the site is contrary to planning policy in terms of its open countryside location and lack of agricultural or rural enterprise justification. If an application were made for residential use of the site by a person other than a Gypsy or Traveller such an application would undoubtedly be refused. The applicants have submitted information seeking to explain why the personal circumstance in this case are so exceptional that they outweigh Development Plan policy. The Council recognises that the individuals referred to are Romany Gypsies but they have failed to explain why they can no longer remain on their current site or why this particular site should be considered as the only alternative. As such the proposal does not comply with LDP Policy H8 and there are no overriding material considerations to outweigh these policy objections.

6.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1. The proposed site is on greenfield agricultural land in the open countryside outside any development boundary. The development would represent new residential development in the open countryside without any justification and would therefore be contrary to Strategic Policy S1 and Policy LC1 of the adopted Local Development Plan (LDP) within which there is a presumption against new residential development in the open countryside. The proposed development would have an unacceptable adverse visual impact on the special character of this part of the Monmouthshire countryside. The proposed development, due to its size and incongruous location, would be contrary to Policy LC5 of the LDP as the applicants have failed to demonstrate that the proposal would not harm the landscape character of the area.
2. The proposed site is not a sustainable location for residential development (or a Gypsy/ Traveller site) as it is not accessible to schools, shops and health care facilities by public transport on foot or by cycle and is therefore not in accordance with the objectives of Policy S8 of the adopted LDP.
3. The applicants have failed to demonstrate that there are overriding exceptional circumstances that would outweigh the prevailing Development Plan policies. While it is recognised that the applicants are Romany Gypsies there is insufficient evidence to explain why the applicants have to live in this particular location at this time.

MONMOUTHSHIRE COUNTY
COUNCIL
GYPSY AND TRAVELLER
ACCOMMODATION
ASSESSMENT

Contents

Forward	4
Introduction	5
Chapter One	
1.0 Context	8
Background	8
Objective	8
Purpose	9
Planning Guidance	9
Definition of Key Terms	9
Statutory Guidance	10
Chapter Two	
2.0. Previous Assessment Findings and Analysis of Existing Data	12
Previous Gypsy and Traveller Accommodation Assessment Findings.	12
Analysis of Existing Data - Population Data	12
Caravan Count	12
Current Accommodation Provision and Unauthorised Encampments	13
Chapter Three	
3.0 Methodology	15
Project Steering Group	15
Study Methodology	16
Chapter 4	
4.0. Survey Findings	19
Households Interviews	19
Household Composition:	19
Household Ethnicity	20
Respondent by Age:	20
Suitability of Current Accommodation	21

Chapter Five

5.0 Assessing Accommodation Needs	22
Understanding 'Need' and 'Preferences'	22
Estimated Residential Unmet Need	22
Current Residential Supply	24
Planned Residential Supply	24
Current Residential Demand	25
Current Household and Future Residential Demand	26
Unmet Need	27
Transit Need	28

Chapter Six

6.0. Conclusions; Recommendations and Next Steps	29
Conclusions	29
Recommendations	30
Next Steps	30

Appendices

Appendix 1 – Part 3, Housing (Wales) Act 2014	32
Appendix 2 – Part 5, S56, Mobile Homes (Wales) Act 2013	35
Appendix 3 - Policy H8, Gypsy, Traveller and Travelling Showpeople Sites Monmouthshire LDP, adopted 2014	36
Appendix 4 - Definition of Key Terms and Concepts (Source - Welsh Government's 'Undertaking Gypsy and Traveller Accommodation Assessments' Guidance (May 2015)).	37
Appendix 5 – GTAA Questionnaire	38
Appendix 6 - Welsh Government's 'Undertaking Gypsy and Traveller Accommodation Assessments' Guidance Booklet (May 2015)	45

List of Tables

Table 1 – Welsh Government Checklist	16
Table 2 – Estimate of Need for Residential Site Pitches	23
Table 3 – Current Residential Supply	24
Table 4 – Planned Residential Supply	25
Table 5 - Planned Residential Demand	26
Table 6 – Current Households and Future Residential Demand	27

Table 7 – Estimated Unmet Need	28
--------------------------------	----

List of Figures

Figure 1 - Unauthorised Encampments – Number of Occurrences by Month and Year	13
Figure 2 - Unauthorised Encampments – Number of Caravans by Month and Year 2013-2015	14
Figure 3 - Unauthorised Encampments - Duration of stay (Days) by Month and Year 2013-2015	14
Figure 4 – Accommodation at Time of Questionnaire	19
Figure 5 - Household Composition	20
Figure 6 – Household Ethnicity	20
Figure 7 – Respondent by Age Profile	20
Figure 8 - Suitability of Current Accommodation	21

Forward by Councillor Phylip Hobson.

I am pleased to present Monmouthshire's County Council's Gypsy and Traveller Accommodation Assessment for the period January 2016-2021. An on-going objective of the Council is a commitment to meet any current and future accommodation needs of Gypsies and Travellers across Monmouthshire and this assessment will assist in meeting that objective.

In undertaking this Assessment it has also been a priority of the Council to proactively engage with local Gypsies and Travellers and develop a two-way relationship to help inform our planning. It is therefore pleasing that the assessment reflects a renewed approach to Gypsy and Traveller community engagement and consultation. This was reflected through the formation of a steering group containing members of the Gypsy and Traveller community whose participation raised awareness of the both their concerns and needs and resulted in community members identifying a number of priorities. These priorities went on to form part of the recommendations and future planned work for the Council to undertake.

Introduction

This Gypsy & Accommodation Assessment has been completed under the Council's statutory duties relating to Part 3 of the Housing (Wales) Act 2014, which requires all local authorities in Wales to undertake a Gypsy & Traveller Accommodation Assessment and to make provision where assessments identify an unmet need for mobile home pitches.

This Assessment has been completed utilising the Welsh Government guidance document, 'Undertaking Gypsy & Traveller Accommodation Assessments' published in May 2015.

Although not a requirement of the Welsh Government Guidance, the Council was keen to utilise the Assessment as an opportunity to positively and proactively engage with Gypsy & Traveller households in Monmouthshire and to develop relationships with individual households and the local community as a whole. On this basis, the Council decided to implement the Assessment directly rather than appoint a partner agency to carry out the Assessment on its behalf.

The Assessment was overseen by a Monmouthshire multi-agency Steering Group under the coordination of the Council's Housing & Communities Service. The core findings, conclusions and recommendations of the Assessment are based on feedback collated between June and November 2015, through the interviewing of 19 Gypsy & Traveller households in Monmouthshire. The interviews were conducted by officers from Housing & Communities Service, with the assistance of the Regional Equalities Council Gypsy & Traveller Liaison Officer. To the knowledge of the Council, only one known Monmouthshire Gypsy & Traveller household (who declined to participate) has not contributed to this Assessment.

The summary conclusions of the Assessment are:

- Monmouthshire has a higher number of Gypsy & Traveller households living in the County than had previously been identified through the 2011 census (See Chapter 2, paragraph 2.6 – 2-8)
- There is an estimated unmet need for eight pitches to 2021, based on overcrowding, unauthorised occupation and the likelihood of cultural aversion to conventional housing (see Chapter 5);
- There is no need for a transit site due to the low number of unauthorised encampments in the County (see Chapter 2, paragraph 2.18 and Chapter 5, paragraph 5.20);
- A need for stopping places has been identified (see Chapter 2 paragraph 2.20 and Chapter 5, paragraph 5.21);
- A need for a travelling Showpeople site has not been identified (see Chapter 5, paragraph 5.23);
- There is an expectation that the Council should have a waiting list to allow Gypsy & Traveller households to register an interest in obtaining an authorised pitch for a mobile home or bricks and mortar accommodation. This is seen by Welsh Government as a proactive means of engaging with the Gypsy and Traveller community as well as a means of identifying any future accommodation needs of the community;
- A number of households within the community do not understand the Council's planning policy and planning process in relation to pitch provision;
- No additional households who wanted or needed to live in Monmouthshire have been drawn to the attention of the Council from other Welsh authorities;

- Further consideration is given to amending current planning permission to allow lifetime occupation by additional named individuals in order to address identified unmet need;

This Assessment, therefore, recommends

- The Council to conduct further in-depth assessments into the households identified by the assessment as having a likelihood of need based on cultural aversion as part of the Council's homelessness / pitch allocation policies in order to more accurately determine individual circumstances relating to aversion (as per paragraph 177 of the WG Guidance Undertaking Gypsy and Traveller Accommodation Assessments May 2015)
- The Council seek to make provision for appropriate sites to meet identified unmet need by working proactively with the Gypsy and Traveller households to establish their preference for site provision, that is, private or public sites. The findings of the GTAA process suggest there is an aspiration within much of the Gypsy Traveller community for private site provision in Monmouthshire. The Council will therefore work with and support Gypsy Traveller households to identify and develop viable private sites to address the identified unmet need in accordance with the LDP policy framework. The identification and allocation of local authority Gypsy Traveller site(s) would need to be considered through the LDP review process, should the need for a public site become apparent because the Community's preference for private sites cannot be achieved.
- The Council establishes a pitch waiting list policy;
- The Council considers amending current planning permission to allow lifetime occupation by additional named individuals in order to address identified unmet need;
- The identified need for temporary stopping places will be considered on a regional basis as part of the emerging Strategic Development Plan (SDP) process.
- The Council organises an engagement event to enable Gypsy & Traveller households to find out more about the Council's planning policies and processes and facilitate Community take-up of planning advice on development opportunities prior to future land purchases;
- The Council establishes mechanisms to enable effective engagement with both settled and Gypsy Traveller communities in relation to the identification of future potential sites

Having been adopted by the Council, the next steps are to

- Undertake more detailed assessment of those households identified through the assessment as having a likelihood of need based on cultural aversion as part of the Council's homelessness / pitch allocation policies in order to more accurately determine individual circumstances relating to aversion (as per paragraph 177 of the WG Guidance Undertaking Gypsy and Traveller Accommodation Assessments May 2015);
- The Council will work with and support Gypsy Traveller households to seek to identify and develop viable private sites in order to address the identified unmet need in accordance with the LDP policy framework.
- Establish a waiting list and policy during 2016 to enable Gypsy and Traveller households to register an interest in obtaining an authorised pitch
- Engage with neighbouring local authorities in respect of temporary stopping places as part of the emerging SDP process;

- Organise a Planning briefing session for Gypsy & Traveller households in 2016 to provide guidance on planning policy / process in the relation of the provision of Gypsy Traveller sites;
- Forward the GTAA to the Brecon Beacons National Park Authority
- The findings of the GTAA will inform both the Monmouthshire and Brecon Beacons National Park LDP Annual Monitoring Reports (AMRs) and LDP review processes.
- Submit the GTAA to Welsh Government for approval by 26 February 2016.

Chapter One

1.0 Context

1.1. Background

- 1.2. Part three of the Housing (Wales) Act 2014 placed number of statutory duties on local authorities to determine the accommodation needs of their Gypsy & Traveller community. S101 of the Act requires local authorities to conduct a review within one year of the Act coming into force and thereafter every five years. During the review period local authorities must carry out an assessment and report its findings to Welsh Ministers for approval. The report must detail how the assessment was carried out; contain a summary of the consultation process; the responses received and any accommodation need identified by the assessment (Appendix 1).
- 1.3 If from the study an accommodation need is identified, s103 of the Act places a duty on the local authority to exercise its powers under Part five of the Mobile Homes (Wales) Act 2013 to provide sites on which mobile homes may be stationed (Appendix 2).
- 1.4 Under S104, if the Welsh Ministers are satisfied that a local housing authority has failed to comply with their duty under s103, they can direct the authority to exercise those powers conferred to it powers under Part five of the Mobile Homes (Wales) Act 2013 to meet the needs identified in the assessment.
- 1.5 The Assessment has been undertaken by Monmouthshire County Council as housing authority for the whole of its administrative area. For planning purposes, this includes both the Monmouthshire planning area and part of the Brecon Beacons National Park (BBNP) area of planning jurisdiction. The GTAA will therefore provide evidence to inform the Annual Monitoring Reports (AMRs) and LDP review processes of both Monmouthshire County Council and the BBNP Authority¹. Where appropriate, Monmouthshire County Council and the BBNP Authority will work collaboratively to address any unmet need identified in the GTAA.

1.6 Objective

- 1.7. The overall objective is to help the Council meet its statutory duty by providing a robust evidence base of the accommodation needs of Gypsies, Travellers and Showpeople within Monmouthshire, both currently and for the next five years.
- 1.8. The Council also regards the Assessment as an opportunity to positively and proactively engage with Gypsy & Traveller households in Monmouthshire with a view to establishing and developing a relationship with some or all of the community and providing a building block to help identify and develop future solutions.

¹ Paragraph 54, Undertaking Gypsy and Traveller Accommodation Assessments, Welsh Government

1.9 Purpose

- 1.10 The purpose of the assessment is to inform the Monmouthshire and Brecon Beacons National Park LDP Annual Monitoring Reports (AMRs) and the LDP Review Processes in order to meet any identified current and future needs for sites whether publicly or privately managed. It will also provide any evidence of whether transit sites or emergency stopping places are required.
- 1.11 The Assessment findings will also provide a complementary supplement to the Monmouthshire Local Housing Market Assessment 2015.

1.12 Planning Guidance

- 1.13. Welsh Government Planning Circular 30/2007² provides guidance on the planning aspects of finding sustainable sites for Gypsies and Traveller and advises how local authorities and Gypsies and Travellers can work together to achieve this aim. Welsh Office Circular 78/91³ provides local authorities with specific advice on planning considerations relating to Travelling Showpeople. Planning Policy Wales³ advises that local authorities are required to assess the accommodation needs of gypsy families and to have policies for the provision of gypsy sites in their development plans.
- 1.14 Monmouthshire County Council adopted its Local Development Plan (LDP) in February 2014. The LDP sets out the Council's policies for future development and use of land in its area (excluding that part within the Brecon Beacons National Park). The framework for assessing proposals to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople through the provision of sites, whether for permanent, transit or emergency use can be found in Policy H8 of the LDP (see Appendix 3).
- 1.15 The Brecon Beacons National Park Authority adopted its LDP in December 2013. The Plan allocates land adjacent to Brecon Enterprise Park for the provision of a permanent Gypsy and Traveller Site and sets out policy criteria against which all gypsy and traveller caravan sites will be considered.

1.16 Definition of Key Terms

Gypsy and Travellers

- The report adopts the definition found within section 108 of the Housing (Wales) Act 2014
 - (a) Persons of a nomadic habit of life, whatever their race or origin, including—
 - (i) Persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and

² Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites, WAG 2007

³ Circular 78/91 Travelling Showpeople, Welsh Office 1991

(ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such), and

(b) All other persons with a cultural tradition of nomadism or of living in a mobile home.

- This definition is sufficiently broad so that not only groups such Romani Gypsies and Irish Travellers are included but also covers those other groups that follow a nomadic life style such as Travelling Showpeople and New Travellers.
- It is also broad enough to cover those who no longer pursue a nomadic lifestyle and live in bricks and mortar accommodation but would like to return to living in a mobile home if sites became available in the future.

1.17. All other Key Terms and Concepts can be found within the Welsh Government's guidance for undertaking Gypsy and Traveller Accommodation Assessments (See Appendix 6).

1.18. Statutory Guidance

1.19. Under s106 of the Housing (Wales) Act 2014, the Welsh Government produced guidance - 'Undertaking Gypsy & Traveller Accommodation Assessments (2015)'- to help local authorities discharge their statutory duties under Part 3 of 2014 Act.

1.20 The following provides a summary of the guidance (See Appendix 6 for the full version).

- Chapter One - sets out the following aims:
 - Why a specific GTAA is required?
 - What should be produced?
 - Who needs to be consulted?
 - What data sources need to be reviewed?
 - Understanding the culture of Gypsy and Traveller communities.
 - How to identify and communicate with Gypsies and Travellers?
 - How to design, manage and undertake a GTAA?
 - Support with partnership working and working regionally.
 - Exploring specialist surveys, techniques and questions to be used.
 - How accommodation 'need' is assessed?
 - Submitting reports to Welsh Ministers.
 - How to make provision for identified need?
- Chapter Two – offers guidance on the preparation work required prior to the undertaking of the assessments with advice on what is good practice in setting up steering groups, setting out the design of study and conducting the study itself.
- Chapter Three – explains how to analyse the data from the assessments and how to calculate need.
- Chapter Four – outlines the process for submitting the report to the Welsh Ministers for approval.
- Chapter Five – sets out the options that are available to local authorities on how they can meet any need identified by the assessments.
- Chapter Six – is concerned with reviewing and updating assessments.

1.21 The guidance also includes a universal questionnaire that all local authorities are to use so as to ensure commonality for comparability purposes (See Appendix 5). The guidance recommends that the questionnaire is completed on a face to face basis so that any issues of literacy are avoided and hopefully ensure a higher rate of participation than a mailshot. The questionnaire comprises of five sections. Sections A to D concern themselves mostly with accommodation needs arising in the area in which the assessment is undertaken. Section E is concerned with the provision of transit sites not only in the area where the assessment is undertaken but also in other local authorities in Wales. The following sub sections give a brief description of the questionnaire:

- Section A – deals with the current accommodation arrangements of community members who partook in the assessment.
- Section B – looks at the family structure.
- Section C – enquires about aspirations and plans.
- Section D – informs the local authority of anticipated family growth and need that is likely to occur within the next five years so that they are able to understand future demand and plan accordingly.
- Section E – is concerned with the need for transit sites and their availability or non-availability throughout Wales.

Chapter Two

2.0 Previous Assessment Findings and Analysis of Existing Data

2.1. Previous Gypsy and Traveller Accommodation Assessment Findings.

- 2.2 Roger Tym & Partners and Opinion Research Services were commissioned by Monmouthshire County Council in May 2009 to undertake a Gypsy and Traveller Accommodation Needs and Sites Study to inform the LDP evidence base. The final report was published in December 2009.
- 2.3. The study assessed the need for additional authorised gypsy, traveller and travelling show people site provision in the County. This required the identification of whether there should be any extra site provision on public or private sites and whether or not there was any need to plan for the provision of transit sites/emergency stopping places. It found that Monmouthshire had a very low gypsy and traveller population with only one authorised site (with one caravan) and accordingly that there was very little need for gypsy and traveller sites in Monmouthshire.
- 2.4. However, given that a planning application had been submitted to the Council for 4 pitches, the study concluded that this represented a need. The site in question, at Llangeview near Usk, was subsequently granted planning permission on appeal for a revised scheme comprising of 2 pitches.
- 2.5. Given that no other specific need was identified, the study concluded that no other new provision needed to be found through LDP site allocations and that proposals for additional sites could be considered through the LDP criteria based policy H8 Gypsy and Traveller and Showpeople Sites (See Appendix 3) .

2.6. Analysis of Existing Data - Population Data:

- 2.7. The number of households in Monmouthshire describing themselves as being of Gypsy & Irish Traveller ethnicity is very low. The 2011 census shows that 6 people identified themselves as Gypsy and Irish Traveller, 0.4% of the population.
- 2.8. It is argued that this figure under-represents the true number of households in Monmouthshire as the census relies on individuals self-classifying their ethnicity. Nationally it is known that there is a reluctance within the Gypsy and Irish Traveller community for households to reveal their ethnicity for fear of being shown some form of hostility or even racially abuse. This under-representation is shown to be true as the assessment identified 11 households living in Monmouthshire who described themselves as being of Gypsy and Traveller ethnicity, an increase of almost 84% on the 2011 census figure.

2.9. Caravan Count

- 2.10 A key data source relating to gypsy and traveller communities is the bi-annual Gypsy and Traveller caravan survey conducted by each local authority. This is a count of

caravans rather than households and only features those caravans that the Council is aware of. As this count is undertaken on a specific date unauthorised encampments which occur on other dates are not recorded.

2.11. The 2015 caravan counts took place on the 15th of January and 16th of July both of which identified one caravan in the south of the County. This is a private site.

2.12 There is also a private site at Llangeview near Usk for 2 pitches, however, at the time of the caravan counts it would appear that the site was unoccupied and subsequently not picked up through the counts.

2.13. It is evident from past caravan counts that in comparison with other authorities Monmouthshire has a very low gypsy and traveller population.

2.14 Current Accommodation Provision and Unauthorised Encampments.

2.15 Monmouthshire currently has no local authority run sites, either residential or transit.

2.16 Monmouthshire has two privately owned sites.

2.17 There are currently no sites subject to a planning application. Nor are there any temporary planning permissions in place.

2.18 There has been a total of 10 unauthorised encampments on Council owed land used by the travelling community when travelling through the County during the years 2013, 2014 and 2015. The following graphs show the number of occurrences by month and year (figure 1); the total number of caravans per year (figure 2) and the duration of the stay (figure 3).

Figure 1

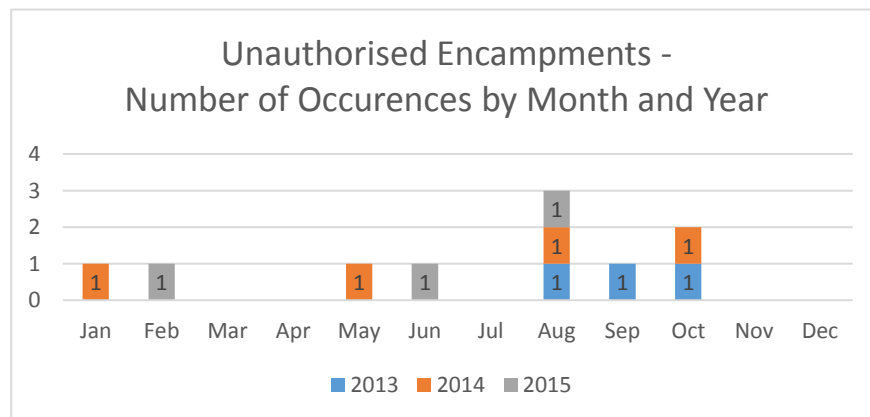
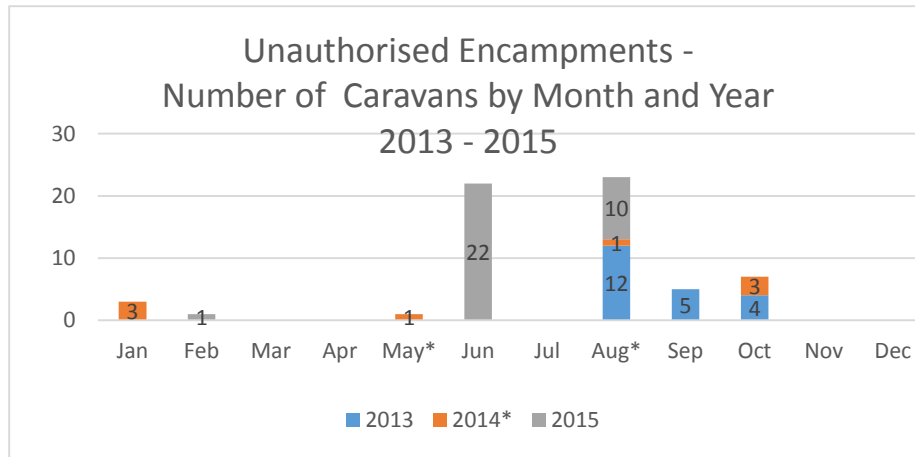
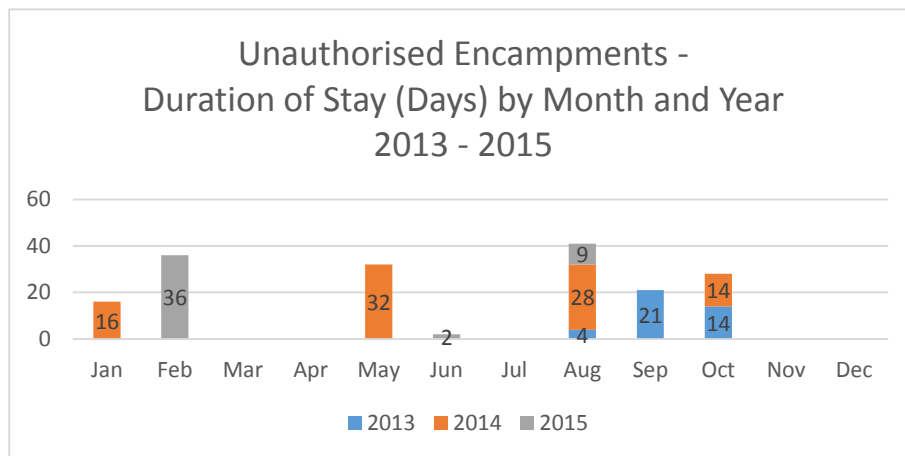


Figure 2



* Incomplete data for May & August 2014. This figure is a nominal and is likely to be an under estimation of the true figure.

Figure 3



- 2.19 A Gypsy and Traveller organised religious festival occurs every year and last for approximately one week and accounts for a significant proportion of the unauthorised encampments recorded in the County. This takes place on privately owned land and therefore does not show up on any official Council records and because the use of the land is for less than 28 days planning permission is not required.
- 2.20 As can be seen from the figures above the frequency, duration and number of caravans is low and therefore the shows that the need for a transit site is not required but does show that there may be a need for a temporary stopping site. This is also expressed by the Gypsies and Travellers who took part in the assessment.

Chapter Three

3.0 Methodology

3.1 Project Steering Group

3.2 For the assessment to be taken seriously by the Gypsy and Traveller community it needed to be well informed and robust. It was therefore recognised that the starting point should be the formation of a steering group comprising of important key stakeholders some of which already have established networks within the community.

3.3. The purpose of the group was to take ownership and oversee the assessment process and to assist the Council in meeting its statutory duty to assess the accommodation needs of the Monmouthshire Gypsy & Traveller community. Its key responsibilities were to:

- Identify other relevant agencies who should be asked to participate in the steering group
- To positively promote the Assessment and encourage participation
- Provide local knowledge;
- Help to identify households living within the community
- Publicise the assessment study within their own fields and to households within the respective networks
- To help raise awareness of the Gypsy & Traveller culture and the potential barriers typically experienced
- To help scrutinise and provide feedback on the results:
- To sign off the report to be submitted to Welsh Government.

3.4. The group consisted of representations from the following agencies:

- MCC Elected Members
- SE Wales Regional Equality Council
- Equalities Officer (MCC)
- Adult Social Services (MCC)
- Rural Programmes Manager (MCC)
- Specialist Environmental Health Officer (MCC)
- Monmouthshire Housing Association
- Melin Homes
- Planning Policy Department (MCC)
- Housing Options Team (MCC)
- Children's Services - Safe Guarding in Education (MCC)
- Principal Officer Inclusion Officer - Children and Young People (MCC)
- Deputy Head of Gwent Education Minority Ethnic Service (GEMS)
- Senior Commissioning Officer, Supporting People (MCC)
- Housing & Communities Manager (MCC)
- Project Officer, Monmouthshire Voices

- Waste & Street Services (MCC)
- Regional Community Cohesion Co-ordinator East Gwent
- Gwalia
- Public Health Wales
- Police
- Member of the local Gypsy & Traveller community (x 4)
- Officer from adjoining local authorities.

3.5. Study Methodology

- 3.6 The assessment study was conducted directly by officers from the Council's Housing & Community Services between June and November 2015.
- 3.7 The priority at the onset was, as per the Guidance, to endeavour to undertake face to face interviews to not only maximise engagement opportunities but also to mitigate against possible literacy issues.
- 3.8 Where applicable, members of the Steering Group provided information of known Gypsy & Travellers and also where applicable, informed households that the Assessment was being conducted and invited households to participate.
- 3.9 Due consideration was given to the engagement checklist contained in the WG Guidance. Table 1 sets out the Guidance checklist and provides commentary about the Council's application of the checklist within the context that the Council does not have any local authority run sites in the County:

Table 1: Welsh Government Checklist

1.	<p>Visit every Gypsy and Traveller household identified through the data analysis process up to 3 times, if necessary.</p> <ul style="list-style-type: none"> • There was only one household that the Council did not manage to fully engage with and repeat visits failed to achieve successful contact. A request to liaise with a family representative (a planning consultant) was also unsuccessful. • Only one household family who considered themselves as Showpeople was identified despite contact with the South Wales & Northern Ireland Travelling Showman's Guild.
2.	<p>Publish details of the GTAA process, including contact details to allow Community members to request an interview, on the Local Authority website, Travellers' Times website and World's Fair publication.</p> <ul style="list-style-type: none"> • This guidance was followed. In addition the Council published a press release in August 2015.
3.	<p>Consult relevant community support organisations.</p>

	<ul style="list-style-type: none"> The Council engaged closely with the SE Wales Regional Equality Council who helped inform the Assessment. This engagement facilitated the input of the Equality Council's Gypsy & Traveller Liaison Officer.
4.	<p>Develop a Local Authority waiting list for both pitches and housing, which is accessible and communicated to community members.</p> <ul style="list-style-type: none"> All households interviewed were advised about the Council's Housing Register and invited to register an application. At the time of the Assessment, the Council did not have a waiting list in place. The Assessment process identified households who were interested in going on to a pitch waiting list. A recommendation of this Assessment is to establish a waiting list policy and to contact and invite those households to register.
5.	<p>Endeavour to include Gypsies and Travellers on the GTAA project steering group.</p> <ul style="list-style-type: none"> Invitations to join the Steering Group were accepted by four individual members of the Gypsy & Traveller community, all of whom were residents of bricks and mortar social housing.
6.	<p>Ensure contact details provided to the Local Authority by community members through the survey process are followed up and needs assessed.</p> <ul style="list-style-type: none"> All interviews provided the opportunity for other community members to be interviewed through the process.
7.	<p>Consider holding on-site (or nearby) GTAA information events to explain why community members should participate and encourage site residents to bring others who may not be known to the Local Authority.</p> <ul style="list-style-type: none"> This wasn't considered appropriate for Monmouthshire due to there being no Council managed site in the County.

3.10. Raising awareness of the survey internally within the Council and externally has been a priority of the methodology. The following range of mechanisms have been utilised to communicate the implementation of the assessment:

- Briefing note provided to all Elected Members and an Elected Member Briefing Session supported by officers from Housing & Communities and Planning Services, prior to full Council on 30th July 2015. This included the circulation of a bespoke briefing note, a copy of the Council's flyer and a link to the Welsh Government video;

- Press release August 2015;
- The distribution of a Monmouthshire County Council flyer by Steering Group members to Gypsy & Traveller households;
- Assessment details published on the Council's website;
- An awareness briefing was provided to the Steering Group on 10th September 2015 by the SE Wales Regional Equalities Council. The intention was to arrange awareness training for the Council's elected members. However, this wasn't progressed due to the Welsh Government's proposal to organise regional training across Wales;
- Regional Elected Member awareness training by Welsh Government on 14th December 2015. Four Monmouthshire County Council Elected Members attended;
- The Assessment was considered and scrutinised by the Council's Stronger Communities Select Committee on 11th January 2016;
- The Assessment Report was adopted by Cabinet on 3rd February 2016;
- An outcome of the engagement has been the feedback relating to the understanding of the Council's planning policies and procedures. The Council, therefore, has agreed to facilitate a briefing session in 2016 targeted at Gypsy & Traveller households.

Chapter 4

4.0. Survey Findings

4.1. Households Interviews

4.2. The following provides a profile of the assessment interviews

4.3. 20 Households were identified through the following means:-

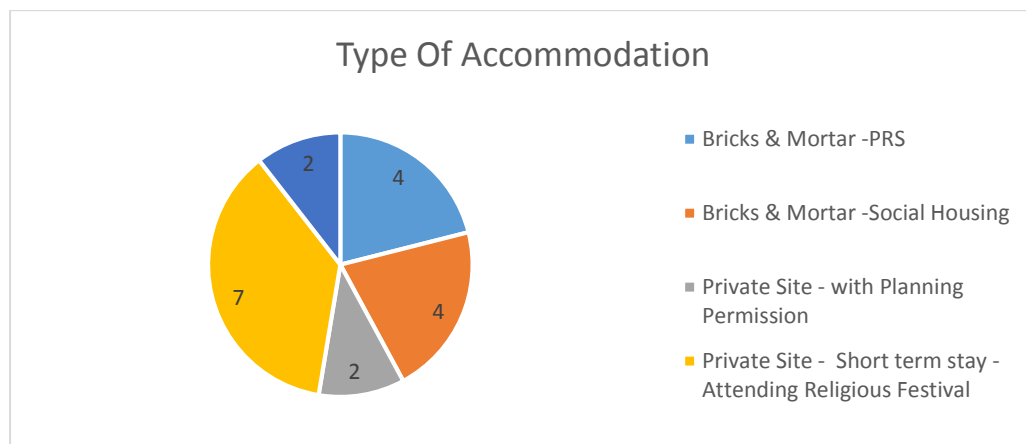
- The housing register.
- By members of the steering group.
- By attending unauthorised encampments.
- Through the interviewing process itself - 4 households were identified as additional contacts through the interviewing process

4.4. 19 households were surveyed in total, of which 18 interviews were conducted face to face and one by telephone as they lived outside the county.

4.5. One household declined to undertake the survey without first seeking advice and guidance from a family representative. Phone, email and text messages were sent to the representative, none of which were returned.

4.6. Eight of the interviews were from respondents living in bricks and mortar, while 11 respondents were living on private sites. Of the 11 respondents who were interviewed on private sites, 7 of them were interviewed while attending a religious festival and stayed for approximately one week. A full breakdown can be seen at figure 4 below.

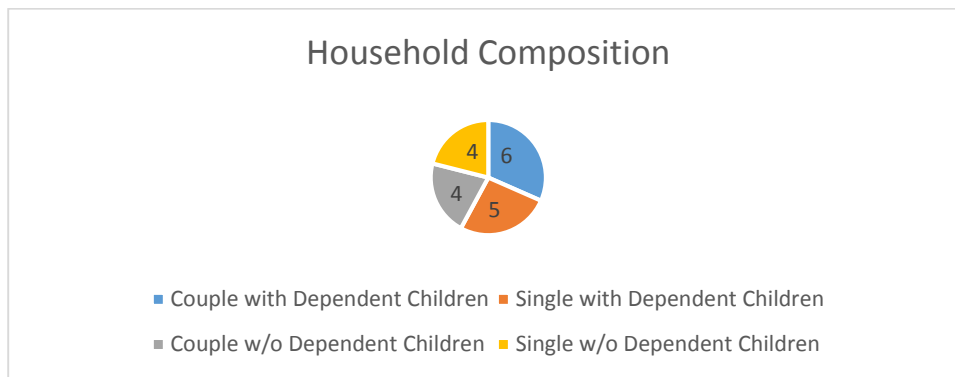
Figure 4 – Accommodation at the Time of Questionnaire



4.7. Household Composition:

4.8. 19 respondents completed this section with a small majority of households having dependent children. See figure 5, below for a detailed breakdown.

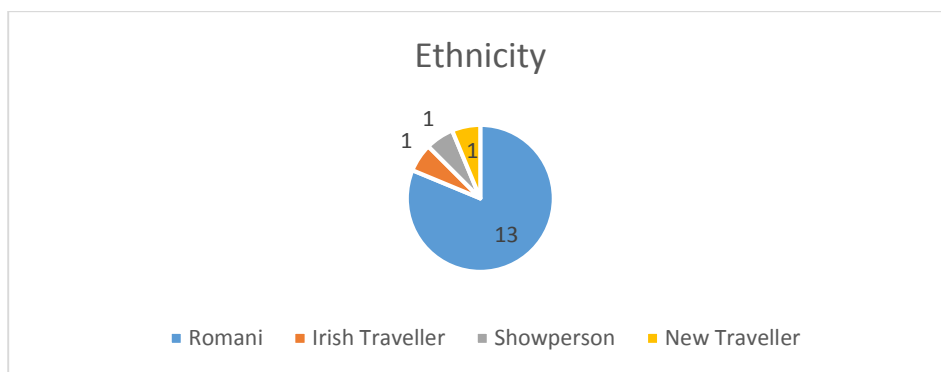
Figure 5 – Household Composition



4.9. Household Ethnicity:

4.10. Thirteen out of nineteen respondent households identified their ethnicity as Romani, while three households identified themselves as Irish Traveller, Travelling Showperson and a New Traveller respectively (figure 6). Three respondent households declined to answer.

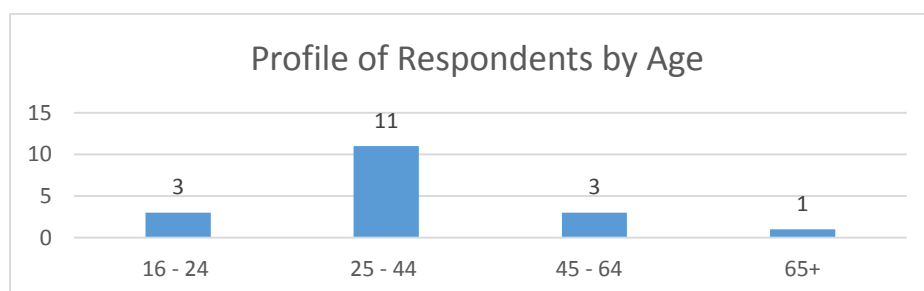
Figure 6 – Household Ethnicity



4.11. Respondent by Age Profile:

4.12 It can be seen from figure 7 that the largest number of respondent households were between 25 -64 years of age. With three respondents being classed as a young person (16 – 24) and one respondent being classed as an older person household (65+). One Household declined to answer.

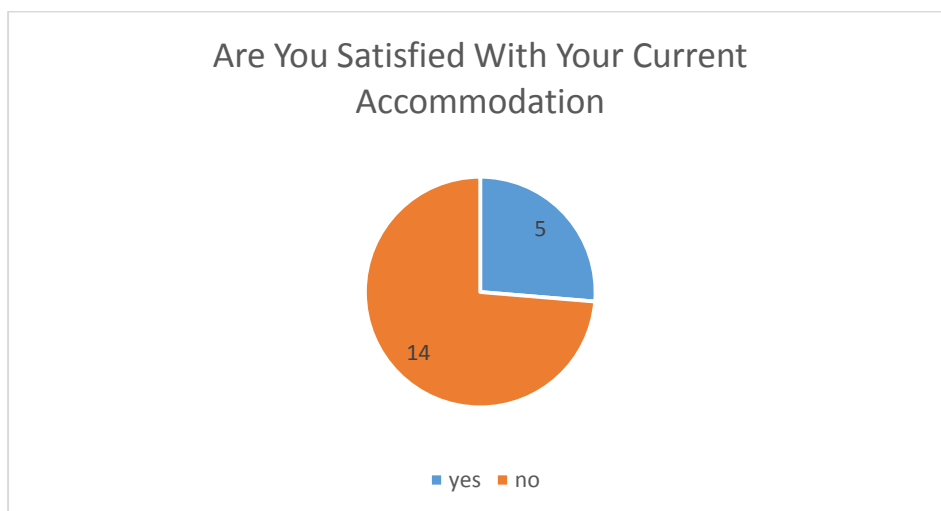
Figure 7 – Respondent by Age Profile



4.13 Suitability of Current Accommodation:

4.14 Fourteen of the respondents when asked if they were happy with their current accommodation responded negatively (Figure 8).

Figure 8 – Suitability of Current Accommodation



4.15. A further analysis shows that out of the 14 respondents who were dissatisfied with their current accommodation

- Six live in bricks and mortar, the most common reasons cited for their dissatisfaction were feelings of being trapped and not being accepted by the community.
- Two respondents were living on one authorised site but were unhappy with the current planning permissions granted.
- Two respondents were living on two private sites without planning permission and were unhappy with the facilities.
- Four respondents were living on an unauthorised encampment but these sites were temporary as they were occupied for a religious festival.

Chapter Five

5.0 Assessing Accommodation Needs

5.1 Understanding 'Need' and 'Preferences'

- 5.2. When it comes to pitch provision and choice travellers are limited as to where they can choose to live. This is because in contrast to the non-travelling households - which have much wider choices due to the availability of social housing estates in all local authorities – travellers encounter local authorities where there are no authorised sites at all.
- 5.3. This can result in travellers occupying sites in nearby local authorities where sites are available but they have a preference / need to live in a neighbouring local authority which has no sites. This has the effect of depriving a local household of a pitch. It can also mean that traveller households move into bricks and mortar accommodation in their preferred local authority area. For some this is an option choice but for others it is because there are no other suitable alternative options available to them.
- 5.4. This presents a challenge to a local authority when undertaking the assessments as it will want to distinguish between a need and a preference, as it is 'needs' that determine whether the local authority has to provide sites and pitches.
- 5.5. For the purpose of this assessment need may take the following form:
- Households that have no authorised site on which to reside
 - Households that are overcrowded
 - Households that have a cultural aversion to living in conventional bricks and mortar housing.
- 5.6. Gypsy and Traveller households in conventional housing may experience what is known as 'cultural aversion'. This is where the impact of living in conventional housing is having a detrimental effect on the health and wellbeing of a household member.
- 5.7. However, it is not expected that local authorities do an in-depth investigation into an individual's assertion that they are suffering cultural aversion for purposes of this assessment, any in depth investigation should be made part of the authority's homelessness or pitch allocation policies. The assessment process aims to give a broad estimation of the likelihood of need in their area. (Paragraph 176 – 178 of the WG Guidance).
- #### 5.8. Estimated Residential Unmet Need
- 5.9. In terms of assessing the accommodation needs of the travelling community the assessment surveyed travellers across all accommodation sites that they found

themselves in at the time the survey was conducted, that is, bricks and mortar; unauthorised sites and private sites.

5.10 Table 2 below is shows the estimated need in Monmouthshire.

Table 2 – Estimate of Need for Residential Site Pitches

Current residential supply		Number of pitches
A. Occupied Local Authority pitches		0
B. Occupied authorised private pitches		3
Total		3
Planned residential supply		Number of pitches
C. Vacant Local Authority pitches and available vacant private pitches		0
D. Pitches expected to become vacant in near future (see note 1)		0
E. New Local Authority and private pitches with planning permission		0
Total		0
Current residential demand		Pitch demand
F. unauthorised encampments		1
G. unauthorised development		0
H. overcrowded pitches (see note 2)		1
I. Conventional housing (see note 3)		5
J. New households to arrive (see note 4)		0
Total		7
Current households (see note 7)	Future households (at year 5)	Future households (Plan period)
K.1. 10	K.2 11 (see note 5)	K.3 11 (see note 6)
L.1. Additional household pitch need	L.2 1	L.3 1
Unmet Need		Need arising
M. Current residential demand		7
N. Future residential demand (5 year)		1

O. Future residential demand (remaining plan period)	1	
P. Planned residential supply	0	
Q. Unmet need (5 year)		8
R. Unmet need (remaining plan period)		8

Notes

1. As identified through analysis of pitch turnover data.
2. Overcrowding – e.g. where family numbers have grown to the extent that there is now insufficient space for the family within its mobile home accommodation and insufficient space on the pitch or site for a further mobile home.
3. As identified in the survey. This includes those with a cultural aversion to conventional housing, those experiencing overcrowding, and those whom have reached adulthood and want to live on a site.
4. As identified in the survey through waiting list, Caravan Count or partnership working with Local Authorities in the region.
5. 7 households (current residential supply + current residential demand – pitches expecting to become vacant) @ 2.25 % year on year for 5 years. We have used the rate of 2.25% as it is the mid-point within a range of growth rates that the WG Guidance recommends (1.5 – 3%).
6. 7 households (current residential supply + current residential demand – pitches expecting to become vacant) @2.25 % year on year for 5 years (the remaining Plan period). We have used the rate of 2.25% as it is the mid-point within a range of growth rates that WG Guidance recommends (1.5 – 3%).
- 7.7. Occupied authorised pitches plus the current residential demand, minus the expected vacancies from authorised pitches.

5.11. The following tables show how the figures in Table 2 above were calculated

5.12 Current Residential Supply –

- Row A – is concerned with local authority run sites
- Row B – is concerned with private sites and pitches with planning permission

Table 3 - Current Residential Supply.

Table Entry:	Row A = 0 Row B = 3
Explanation:	This section is concerned with the number of pitches in total on local authority and private sites.
Findings:	Monmouthshire has no local authority run sites and two private sites with a total of 3 pitches.

5.13. Planned Residential Supply

- Row C - Vacant Local Authority pitches and available vacant private pitches.
- Row D – Pitches expected to become vacant in near future (see note 1)
- Row E - New Local Authority and private pitches with planning permission

Table 4 - Planned Residential Supply

Table Entry:	Row C = 0 Row D = 0 Row E = 0
Explanation:	This section is concerned with the number of vacant pitches either current or becoming vacant in the near future in both local authority and private run sites. It also looks at any site in the planning process.
Findings:	Because Monmouthshire has no local authority sites there are no vacant pitches from this source.

5.14 Current Residential Demand

- Row F – is concerned with unauthorised encampments
- Row G – is concerned with unauthorised development
- Row H – is concerned with overcrowding issues.
- Row I – Households identified in conventional housing
- Row J – Households identified by other local authorities and referred on to Monmouthshire.

Table 5 - Planned Residential Demand

Table Entry:	<p>Row F = 1</p> <p>Row G = 0</p> <p>Row H = 1</p> <p>Row I = 5</p> <p>Row J = 0</p> <p>Total = 7</p>
Explanation:	<p>This section is concerned with assessing the accommodation needs of the households interviewed and will inform the level of current and future demand. This involved officers making a judgement as to whether households expressed a need or a preference (see para 5.0.1, above).</p>
Findings:	<p>It is estimated that 7 households have a current residential need.</p> <ul style="list-style-type: none"> • One Household was being accommodated on a private site without planning permission and • One Household was considered as a need based in Monmouthshire (Housing Authority area) but for planning purposes the encampment comes under the jurisdiction of the Brecon Beacons National Park Authority. • It is estimated that five households from conventional housing were found to have a need for mobile accommodation based on cultural aversion. <p>It should be noted that the current residential demand from those in conventional housing is not based on any in-depth assessment of each household but has been determined on the likelihood of them experiencing cultural aversion based on evidence and comments given at their interview. These comments ranged from issues of discrimination and harassment from neighbours to feelings of being trapped, one responded replied that 'walls are like cages'.</p> <p>At the time of drafting no referrals from other local authorities have been received.</p> <p>No unauthorised developments were identified.</p>
Calculation:	<p>Rows F+G+H+I +J</p>

5.15. Current Households and Future Residential Demand

- Row K,
 - K1 - provides the current households.
 - K2 - This provides an estimate of additional households over the next 5 years.
 - K3 - This provides an estimate of additional households over the remaining Local Development Plan period.
- Row L, - Additional Household Pitch Need.
 - L2 - represents need for the next 5 years.
 - L3 - represents need over the remaining Local Development Plan period.

Table 6 - Current Households and Future Residential Demand

Table Entry:	Row K1 = 10 Row K2 = 11 Row K3 = 11 Row L2 = 1 Row L3 = 1
Explanation:	This section determines future demand based on the growth of households over the next 5 years and during the remaining Local Development Plan (LDP) period. Because the current LDP period runs to 2021 for the purpose of this report it is considered to runs co-terminus with the 5 year period. Growth figures are based on the findings of the assessment questionnaires which looked at family growth over the next five years.
Findings:	From The Assessment questionnaire a small number of households identified a demand for future household growth. Due to the small number identified, for calculation purposes we have taken the mid-range figure of 2.25% of the indicative range of percentage growth figures of between 1.5% and 3% suggested in the Guidance.
Calculation:	K1 is calculated by adding Rows A and B plus rows F to J minus row D. K2 - based on the answers provided by the respondents of the survey. K3 - based on the answers provided by the respondents of the survey. L2 - is calculated by subtracting the number in Row K1 from the future number of household growth found in the K2 ($K2 - K1$). L3 - is calculated by subtracting the number in row K1 from the future number of household growth found in the K3 ($K3 - K1$).

5.16. Unmet Need

- Row M – Current Residential Demand
- Row N - Future Residential Demand (5 year period)
- Row O – Future Residential Demand (remaining plan period)
- Row P – Planned Residential Pitch Supply
- Row Q – Unmet Need - over the next 5 year period.
- Row R – Unmet Need over the remaining LDP period.

Table 7 – Estimated Unmet Need

Table Entry:	<p>Row M = 7 Row N = 1 Row O = 1 Row P = 0 Row Q = 8 Row R = 8</p>
Explanation:	<p>This section is concerned with the estimated overall residential or unmet need for additional pitches over the next 5 years and over the remaining LDP period, which for Monmouthshire run concurrently.</p>
Findings:	<p>From the Assessment questionnaire a small number of households identified a demand for future household growth. Due to the small number identified, for calculation purposes we have taken the mid-range figure of 2.25% of the indicative range of percentage growth figures of between 1.5% and 3% suggested in the Guidance.</p>
Calculation:	<p>M- current residential demand. N – Populated by the number found in Row K2 (5 year period). O - Populated by the number found in Row K3 (remaining LDP period). P - This is the aggregate of Rows C, D and E. Q - Is the calculated by adding current residential demand (Row M) and future 5 year residential demand (Row N) and subtracting the planned residential supply (Row P) [M + N –P]. R – Is calculated by adding current residential demand (Row M) and future residential demand over the remaining LDP period (Row O) and subtracting the planned residential supply (Row P) [M+O-P]</p>

5.17 From Tables 1 to 7 above the estimated unmet need for Monmouthshire for eight pitches to 2021(the remaining plan period).

5.18. Transit Need / Temporary Stopping Need

5.19. Under the Housing Act 2014, Local Authorities have a statutory duty to provide transit sites if an identifiable need is found.

5.20 For Monmouthshire, when taking into account evidence provided by the Welsh Government’s Caravan Count, the Council’s own data on unlawful encampments see paragraph 2.18 above, suggests that there is not a need for a transit site in Monmouthshire.

5.21 However, section E of the survey questionnaire suggests that there is need for temporary stopping places within Monmouthshire and Wales as a whole.

5.22 The Welsh Government has encouraged local authorities to work in partnership to develop a national network of transit sites in the most appropriate locations throughout Wales, this assessment supports this approach to meet the requirements for short-term stopping place accommodation.

5.23 The assessment also suggests that there is no need for a Travelling Showpeople site in the County.

Chapter Six

6.0. Conclusions; Recommendations and Next Steps

6.1. This chapter looks at the key conclusions and recommendations in respect of meeting the accommodation needs of Gypsies, Travellers and Showpeople in Monmouthshire. However a note of caution, calculating levels of need for Gypsies, Travellers and Showpeople is not as straight forward as being able to calculate conventional housing need. When looking at the needs of Gypsies, Travellers and Showpeople we are not just considering the need for accommodation but also the need to maintain a way of life – their cultural identity – that is achieved from living in mobile accommodation. It should also be noted that when calculating conventional housing accommodation need, data is available from an extensive number of sources. Due to cultural sensitivities and lack of engagement from the community in general this level of data is not available when undertaking this type of survey.

6.2. Conclusions

6.3. The key issues that came out of the assessment process can be summarised as follows:

- That Monmouthshire has a higher number of Gypsy & Traveller households living in the County than had previously been identified through the 2011 census.
- There is an estimated unmet need for eight pitches to 2021, based on overcrowding, unauthorised occupation and the likelihood of cultural aversion to conventional housing.
- There is no need for a transit site due to the low number of unauthorised encampments in the County.
- A need for stopping places has been identified.
- A need for travelling Showpeople yard has not been identified.
- There is an expectation that the Council should have a waiting list to allow Gypsy & Traveller households to register an interest in obtaining an authorised pitch for a mobile home or bricks and mortar accommodation. This is seen by Welsh Government as a proactive means of engaging with the Gypsy and Traveller community as well as a means of identifying any future accommodation needs of the community;
- A number of households within the community do not understand the Council's planning policy and planning processes in relation to pitch provision.
- No additional households who wanted or needed to live in Monmouthshire have been drawn to the attention of the Council from other Welsh authorities
- Further consideration is given to amending current planning permission to allow lifetime occupation by additional named individuals in order to address identified unmet need.

6.4. Recommendations

6.5 Based on the key issues identified above at 6.3 it is recommended that::

- The Council conduct further in-depth assessments into the households identified by the assessment as having a likelihood of need based on cultural aversion as part of the Council's homelessness / pitch allocation policies in order to more accurately determine individual circumstances relating to aversion (as per paragraph 177 of the WG Guidance Undertaking Gypsy and Traveller Accommodation Assessments May 2015)
- The Council seek to make provision for appropriate sites to meet identified unmet need by working proactively with the Gypsy and Traveller households to establish their preference for site provision, that is, private or public sites. The findings of the GTAA process suggest there is an aspiration within much of the Gypsy Traveller community for private site provision in Monmouthshire. The Council will therefore work with and support Gypsy Traveller households to identify and develop viable private sites to address the identified unmet need in accordance with the LDP policy framework. The identification and allocation of local authority Gypsy Traveller site(s) would need to be considered through the LDP review process, should the need for a public site become apparent because the Community's preference for private sites cannot be achieved.
- The Council establishes a pitch waiting list policy;
- The Council considers amending current planning permission to allow lifetime occupation by additional named individuals in order to address identified unmet need;
- The identified need for temporary stopping places will be considered on a regional basis as part of the emerging Strategic Development Plan (SDP) process.
- The Council organises an engagement event to enable Gypsy & Traveller households to find out more about the Council's planning policies and processes and facilitate Community take-up of planning advice on development opportunities prior to future land purchases;
- The Council establishes mechanisms to enable effective engagement with both settled and Gypsy Traveller communities in relation to the identification of future potential sites.

6.6 Next Steps

- Undertake more detailed assessment of those households identified through the assessment as having a likelihood of need based on cultural aversion as part of the Council's homelessness / pitch allocation policies in order to more accurately determine individual circumstances relating to aversion (as per paragraph 177 of the WG Guidance Undertaking Gypsy and Traveller Accommodation Assessments May 2015);

- The Council will work with and support Gypsy Traveller households to seek to identify and develop viable private sites in order to address the identified unmet need in accordance with the LDP policy framework.
- Establish a waiting list and policy during 2016 to enable Gypsy and Traveller households to register an interest in obtaining an authorised pitch.
- Engage with neighbouring local authorities in respect of temporary stopping places as part of the emerging SDP process;
- Organise a Planning briefing session for Gypsy & Traveller households in 2016 to provide guidance on planning policy / process in the relation of the provision of Gypsy Traveller sites;
- Forward the GTAA to the Brecon Beacons National Park Authority
- The findings of the GTAA will inform both the Monmouthshire and Brecon Beacons National Park LDP Annual Monitoring Reports (AMRs) and LDP review processes.
- Submit the GTAA to Welsh Government for approval by 26 February 2016.

*Housing (Wales) Act 2014 (anaw 7) 72***PART 3****GYPSIES AND TRAVELLERS***Meeting accommodation needs***101 Assessment of accommodation needs**

- (1) A local housing authority must, in each review period, carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area.
- (2) In carrying out an assessment under subsection (1) a local housing authority must consult such persons as it considers appropriate.
- (3) In subsection (1), “review period” means—
 - (a) the period of 1 year beginning with the coming into force of this section, and
 - (b) each subsequent period of 5 years.
- (4) The Welsh Ministers may amend subsection (3)(b) by order.

102 Report following assessment

- (1) After carrying out an assessment a local housing authority must prepare a report which—
 - (a) details how the assessment was carried out;
 - (b) contains a summary of—
 - (i) the consultation it carried out in connection with the assessment, and
 - (ii) the responses (if any) it received to that consultation;
 - (c) details the accommodation needs identified by the assessment.
- (2) A local housing authority must submit the report to the Welsh Ministers for approval of the authority’s assessment.
- (3) The Welsh Ministers may—
 - (a) approve the assessment as submitted;
 - (b) approve the assessment with modifications;
 - (c) reject the assessment.
- (4) If the Welsh Ministers reject the assessment, the local housing authority must—
 - (a) revise and resubmit its assessment for approval by the Welsh Ministers under subsection (3), or
 - (b) conduct another assessment (in which case section 101(2) and this section apply again, as if the assessment were carried out under section 101(1)).
- (5) A local housing authority must publish an assessment approved by the Welsh Ministers under this section.

103 Duty to meet assessed needs

- (1) If a local housing authority’s approved assessment identifies needs within the authority’s area with respect to the provision of sites on which mobile homes may be stationed the authority must exercise its powers in section 56 of the Mobile Homes (Wales) Act 2013 (power of authorities to provide sites for mobile homes) so far as may be necessary to meet those needs.
- (2) But subsection (1) does not require a local housing authority to provide, in or in connection with sites for the stationing of mobile homes, working space and facilities for the carrying on of activities normally carried out by Gypsies and Travellers.
- (3) The reference in subsection (1) to an authority’s approved assessment is a reference to the authority’s most recent assessment of accommodation needs approved by the Welsh Ministers under section 102(3).

104 Failure to comply with duty under section 103

- (1) If the Welsh Ministers are satisfied that a local housing authority has failed to comply with the duty imposed by section 103 they may direct the authority to exercise its powers under section 56 of the Mobile Homes (Wales) Act 2013 so far as may be necessary to meet the needs identified in the authority’s approved assessment.

- (2) Before giving a direction the Welsh Ministers must consult the local housing authority to which the direction would relate.
- (3) A local housing authority must comply with a direction given to it.
- (4) A direction given under this section—
 - (a) must be in writing;
 - (b) may be varied or revoked by a subsequent direction;
 - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

105 Provision of information upon request

- (1) A local housing authority must provide the Welsh Ministers with such information (and at such times) as they may require in connection with the exercise of their functions under this Part.
- (2) The Welsh Ministers may exercise their powers under this section generally or in relation to a particular case.

106 Guidance

- (1) In exercising its functions under this Part, a local housing authority must have regard to any guidance given by the Welsh Ministers.
- (2) The Welsh Ministers may—
 - (a) give guidance either generally or to specified descriptions of authorities;
 - (b) revise the guidance by giving further guidance under this section;
 - (c) withdraw the guidance by giving further guidance under this section or by notice.
- (3) The Welsh Ministers must publish any guidance or notice under this section.

107 Duties in relation to housing strategies

- (1) This section applies where a local housing authority is required under section 87 of the Local Government Act 2003 to have a strategy in respect of meeting the accommodation needs of Gypsies and Travellers residing in or resorting to its area.
- (2) The local housing authority must—
 - (a) have regard to any guidance given by the Welsh Ministers in preparing its strategy;
 - (b) take the strategy into account in exercising its functions (including functions exercisable other than as a local housing authority).

General

108 Interpretation

In this Part—

“accommodation needs” (*“anghenion llety”*) includes, but is not limited to, needs with respect to the provision of sites on which mobile homes may be stationed;

“Gypsies and Travellers” (*“Sipsiwn a Theithwyr”*) means—

- (a) persons of a nomadic habit of life, whatever their race or origin, including—
 - (i) persons who, on grounds only of their own or their family’s or dependant’s educational or health needs or old age, have ceased to travel temporarily or permanently, and
 - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such), and
- (b) all other persons with a cultural tradition of nomadism or of living in a mobile home;

“mobile home” (*“cartref symudol”*) has the meaning given by section 60 of the Mobile Homes (Wales) Act 2013.

109 Power to amend definition of Gypsies and Travellers

- (1) The Welsh Ministers may by order amend the definition of Gypsies and Travellers in section 108 by—
 - (a) adding a description of persons;
 - (b) modifying a description of persons;
 - (c) removing a description of persons.

(2) An order under this section may also make such amendments of the Mobile Homes (Wales) Act 2013 as the Welsh Ministers consider necessary or appropriate in consequence of a change to the definition mentioned in subsection (1).

110 Consequential amendments

Part 2 of Schedule 3 makes consequential amendments relating to this Part.

Mobile Homes (Wales) Act 2013

PART 5

POWERS OF LOCAL AUTHORITIES

56 Power to provide sites for mobile homes

(1) A local authority may within its area provide sites where mobile homes may be brought, whether for holidays or other temporary purposes or for use as permanent residences, and may manage the sites or lease them to another person.

(2) A local authority has power to do anything appearing to it desirable in connection with the provision of such sites and the things which it has power to do include (but are not limited to)—

(a) acquiring land which is in use as a mobile home site or which has been laid out as a mobile home site,

(b) providing for the use of those occupying mobile home sites any services for their health or convenience, and

(c) providing, in or in connection with sites for the accommodation of Gypsies and Travellers, working space and facilities for the carrying on of activities normally carried on by them.

(3) In exercising its powers under this section a local authority must have regard to any standards specified by the Welsh Ministers under section 10.

(4) Before exercising the power under subsection (1) to provide a site the local authority must consult the fire and rescue authority—

(a) as to measures to be taken for preventing and detecting the outbreak of fire on the site, and

(b) as to the provision and maintenance of means of fighting fire on it.

(5) A local authority must make in respect of sites managed by it, and of any services or facilities provided or made available under this section, such reasonable charges as it may determine.

(6) A local authority may make available the services and facilities provided under this section for persons whether or not they normally reside in its area.

(7) A local authority may, where it appears to it that—

(a) a mobile home site or an additional mobile home site is needed in its area, or

(b) that land which is in use as a mobile home site should in the interests of the users of mobile homes be taken over by the local authority, acquire land, or any interest in land, compulsorily.

(8) The power conferred by subsection (7) is exercisable in any particular case only if the local authority is authorised by the Welsh Ministers to exercise it.

(9) The Acquisition of Land Act 1981 has effect in relation to the acquisition of land, or an interest in land, under subsection (7).

(10) A local authority does not have power under this section to provide mobile homes.

Local Development Plan, Policy H8, Gypsy, Traveller and Travelling Showpeople Sites**Policy H8 – Gypsy, Traveller and Travelling Showpeople Sites**

Where a need is identified for transit or permanent pitches/ plots for the accommodation needs of Gypsies, Travellers and Travelling Showpeople, they will be permitted provided they:

- a) Would enable the established need to be met at a location that is accessible to schools, shops and health care, by public transport, on foot or by cycle;
- b) Have a safe and convenient access to the highway network and will not cause traffic congestion or safety problems;
- c) Are of a suitable size to allow for the planned number of caravans, amenity blocks, a play area (for children on sites housing multiple families), the access road and include sufficient space for the parking and safe circulation of all vehicles associated with occupiers within the site curtilage;
- d) Do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment. Where necessary the proposal will include mitigating measures to reduce the impact, and assimilate the proposal into its surroundings e.g. screening and landscaping;
- e) Avoid areas at high risk of flooding and proximity to uses with potential sources of pollution or emissions;
- f) Are of an appropriate scale to their location and do not have an unacceptable impact on the amenities of neighbouring land uses;
- g) Are served, or can be served, by adequate on-site services for water supply, power, drainage, sewage disposal and waste disposal (storage and collection), and for Travelling Showpeople that there is a level area for outdoor storage and maintenance of equipment.

Proposals for the use of land for emergency pitches¹ to meet proven need for use by gypsies and travellers will provide basic facilities, meet criteria b, d, e and f of this policy, and the location should be within reasonable travelling distance of a settlement with services and community facilities, including health and education.

Definition of Key Terms and Concepts*

*Source - Welsh Government's 'Undertaking Gypsy and Traveller Accommodation Assessments' Guidance Booklet (May 2015)

Residential site - A permanent residential site can be privately owned or owned by the Local Authority. This site will be designated for use as a Gypsy and Traveller site indefinitely. Residents on these sites can expect to occupy their pitches for as long as they abide by the terms of their pitch agreements, under the Mobile Homes (Wales) Act 2013. Working space may also be provided on, or near, sites for activities carried out by community members.

Temporary residential site - These sites are residential sites which only have planning permission or a site licence for a limited period. Residents on these sites can expect to occupy their pitches for the duration of the planning permission or site licence (or as long as they abide by the terms of their pitch agreements, under the Mobile Homes (Wales) Act 2013 – whichever is sooner).

Transit site - Transit sites are permanent facilities designed for temporary use by occupiers. These sites must be designated as such and provide a route for Gypsies and Travellers to maintain a nomadic way of life. Individual occupiers are permitted to reside on the site for a maximum of 3 months at a time. Specific terms under the Mobile Homes (Wales) Act 2013 apply on these sites. Working space may also be provided on, or near, sites for activities carried out by community members.

Temporary Stopping Place - Also known as a 'stopping place', 'Atchin Tan', or 'green lane', amongst other names. These are intended to be short-term in nature to assist Local Authorities where a need for pitches is accepted, however, none are currently available. Pro-actively identified temporary stopping places can be used to relocate inappropriately located encampments, whilst alternative sites are progressed. Temporary stopping places must make provision for waste disposal, water supply and sanitation at a minimum.

Residential pitch - Land on a mobile home site where occupiers are entitled to station their mobile homes indefinitely (unless stated in their pitch agreement). Typically includes an amenity block, space for a static caravan and touring caravan and parking.

Transit pitch - Land on a mobile home site where occupiers are entitled to station their mobile homes for a maximum of 3 months. Transit pitches can exist on permanent residential sites, however, this is not recommended.

Unauthorised encampment - Land occupied without the permission of the owner or without the correct land use planning permission. Encampments may be tolerated by the Local Authority, whilst alternative sites are developed.

Unauthorised development - Land occupied by the owner without the necessary land use planning permission.

Current residential supply - The number of authorised pitches which are available and occupied within the Local Authority or partnership area. This includes pitches on Local Authority or private sites.

Current residential demand - Those with a need for authorised pitches for a range of reasons, including:

- An inability to secure an authorised pitch leading to occupation of unauthorised encampments;
- An inability to secure correct planning permission for an unauthorised development;
- Households living in overcrowded conditions and want a pitch;
- Households in conventional housing demonstrating cultural aversion;
- New households expected to arrive from elsewhere.
- Future residential demand - The expected level of new household formation which will generate additional demand within the 5 year period of the accommodation assessment and longer LDP period.

Overall residential pitch need - The ultimate calculation of unmet accommodation need, which must be identified through the Gypsy and Traveller accommodation assessment process. This figure can be found by adding the immediate residential need to the future residential demand. The overall residential need will capture the needs across the 5 year period within which the accommodation assessment is considered to be robust.

Planned residential pitch supply - The number of authorised pitches which are vacant and available to rent on Local Authority or private sites. It also includes pitches which will be vacated in the near future by households moving to conventional housing or in other circumstances. Additional pitches which are due to open or private sites likely to achieve planning permission shortly should be included as planned residential supply.

Household In this guidance this refers to individuals from the same family who live together on a single pitch / house / encampment.

Concealed or 'doubled up' household - This refers to households which are unable to achieve their own authorised accommodation and are instead living within authorised accommodation (houses or pitches) assigned to another household. This may include adult children who have been unable to move home or different households occupying a single pitch.

Household growth - In this guidance household growth is defined by the number of new households arising from households which are already accommodated in the area.

Questionnaire

SECTION A – YOUR HOME

A1 Where do you live now?

Local Authority (“Council”) residential site	
Council transit site	
Private site with planning permission	
Private site currently without planning permission	
Unauthorised encampment	
Bricks and Mortar – Socially Rented	
Bricks and Mortar – Privately Rented	
Bricks and Mortar – Owner Occupied	

A2 Are you satisfied with your current accommodation?

Yes	
No	
Prefer not to say	

If ‘no’ please explain what could be improved:

A3 Can you tell me why you live here?

Local connections (family or work)	
No alternative authorised pitch	
Can’t find a house to move into	
Health or age reasons	
Prefer houses to caravans	
Other:	

A4 How long have you lived here?

Less than 1 month	1-6 months	7 - 12 months	1 - 2 years	2-5 years	Over 5 years

A5 If you have moved within the last year, was your last home in this Local Authority?

YES / NO

Please give details below:

Type of accommodation	Did it have planning permission?	Which Local Authority was it in?	Why did you leave?

A6 How long do you think you'll stay here?

1 or 2 days	3 - 28 days	1 - 3 months	3 months - 2 years	2 - 5 years	Over 5 years	Do not intend to move	Don't know

A7 Would you stay longer if changes or improvements were made to your current accommodation?

(Note: The Local Authority may not be able to make these improvements but understanding the problems with your accommodation may help)

YES

NO

Reason	Tick
Repairs needed	
Site made bigger	
Accommodation made safer	
Planning permission granted	
Adaptations needed (please state below)	

Reason	Tick
Just passing through	
Want authorised pitch in other area	
Want to move into housing	
Relationships broken down	
Prefer living in caravan	

Other:

SECTION B – YOUR FAMILY

	Relationship to respondent (eg. Spouse, son/daughter etc)	Age	Gender	Romani / Irish Traveller / New Traveller / Showperson / Roma / Other (Self-ascribed)	Are there any reasons why you cannot continue to live in this accommodation? (give details)
Respondent					
Person 2					
Person 3					

If not living in caravans proceed to B4.

B2 If living in caravans, are there enough sleeping areas for all residents?

YES / NO

B3 Is there room on the pitch for additional trailers to prevent overcrowding?

(Note: guidance suggests that there should be 6 metre gap between trailers and 3 metre gap to boundaries to be safely accommodated on pitch)

YES / NO

If yes, how many additional sleeping areas can be added?

B4 Would anyone in your family like to join the Local Authority waiting list for pitches or housing?

YES / NO

Please provide address for application pack to be posted to below:

Please state if already on a waiting list and which.

SECTION C – YOUR PLANS

C1 Are you planning to move into other accommodation?

Yes	Go to C2	
No	Go to D1	
Prefer not to say	Go to D1	

C2 Where are you planning to move to?

Within the Local Authority	
Another Local Authority in Wales – please state which:	
Somewhere else in the UK	

C3 Why are you planning to move?

Need more space	
Need different facilities	
Local connection (family or work)	
Need to be closer to services – schools etc (Please give details below)	
Employment opportunities	
Other (Please specify below)	

Services:

Other:

--	--

C4 What type of accommodation are you planning to move to?

1. Site		2. Bricks and Mortar	
Council / Social rented		Owner / occupied	
Private site owned by self		Rent from Council / Housing Association	
Private site owned by other		Rent from private landlord	

C5 Do you own land in the Local Authority which you would like to be considered as a possible future site?

(Note: Interviewer to explain that there is no guarantee that the site will be allocated or developed but planning officers may contact respondent to discuss their situation and offer support)

Yes	Give details below	
No	Go to C6	
Prefer not to say	Go to C6	

If you like the Local Authority to discuss these plans with you, provide contact details below:

--

		YES	NO
C6	If you are looking for an authorised pitch, would you live on a site managed by the Local Authority if offered one?		
C7	If an authorised pitch was available in another Local Authority, would you consider moving there? If 'yes', which Local Authorities?		

SECTION D - FAMILY GROWTH

D1 Is anyone in your household likely to want to move to their own home in the next 5 years?

Yes	<i>Go to D2</i>	
No	<i>Go to D4</i>	
Don't know	<i>Go to D4</i>	
Prefer not to say	<i>Go to D4</i>	

D2 Will this be in this Local Authority?

Yes	<i>Go to D3</i>	
No	<i>Go to D4</i>	
Prefer not to say	<i>Go to D4</i>	

D3 How many new households will there be and when will these be needed?

	Type of accommodation (LA site; private site; B&M housing)	No. of people	Now	Within a year	1-2 years	2-5 years
Household 1						
Household 2						
Household 3						
Household 4						

D4 Do you have family members living outside this area who camp in this Local Authority regularly?

Yes	Go to D5	
No	Go to E1	
Don't know	Go to E1	
Prefer not to say	Go to E1	

D5 If they would like to be interviewed about the need for pitches, provide their contact details and Local Authority where they currently live below:

SECTION E - TRANSIT SITES

E1 Have you camped by the roadside / on an unauthorised encampment / on a transit site in Wales while travelling in the past year?

(Prompt: this information is only to be used to understand if more transit sites are needed)

Yes	Go to E2	
No	Go to E4	
Prefer not to say	Go to E4	

E2 In which Local Authority areas have you camped?

Prefer not to say

E3 How long would you usually stay in one place whilst travelling?

1 – 2 days	3 days – 1 week	1 – 2 weeks	2 weeks – 1 month	1 – 3 months

E4 Do you think there is a need for more transit sites in Wales?

Yes	Go to E5	
-----	-----------------	--

No	Questionnaire ends	
Prefer not to say	Questionnaire ends	

E5 Where are they needed?

(Probe for Local Authorities and specific locations)

Prefer not to say	

Questionnaire ends.

Welsh Government's 'Undertaking Gypsy and Traveller Accommodation Assessments' Guidance Booklet (May 2015)



Llywodraeth Cymru
Welsh Government

www.gov.wales

Undertaking Gypsy and Traveller Accommodation Assessments

Guidance



May 2015

DC/2015/01591

10 FREESTANDING ADVERTISING SIGNS AT VARIOUS LOCATIONS

MULTIPLE SITES IN CALDICOT, CRICK, ROGIET AND UNDY

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones
Date Registered: 20/01/2016

1.0 APPLICATION DETAILS

- 1.1 This application seeks advertisement consent for a total of 10 free standing signs at multiple sites within Caldicot, Crick, Rogiet and Undy. The signs would be owned by Monmouthshire County Council, but are intended for local businesses to advertise. The signs are all primarily along highway verges.
- 1.2 The signs differ in size depending on whether they are in a verge or car park/pedestrian location. Signs at verge locations would measure 1050mm x 550mm with a 20mm mid green border, the artwork area would measure 1000mm x 500mm. Beneath would be an additional sign measuring 1050mm x 200mm with a 200mm mid green border, this would display contact information.
- 1.3 A full list of all site locations is presented below:
- 1 x signs at B4245 near Undy (referred to as sign 1).
 - 1 x sign at B4245 near Cherry Tree nursing home, Caldicot (referred to as sign 2).
 - 2 x signs at B4245 at Rogiet Pool (referred to as signs 3-4).
 - 1 x sign at B4245 near Ifton Industrial Estate (referred to as sign 5).
 - 2 x signs at B4245 near turning to Crick Road (referred to as signs 6-7).
 - 2 x signs at B4245 adjacent to Deepweir, Caldicot (referred to as signs 8-9).
 - 1 sign at B4245 near Rockfield Grove in Undy (referred to as sign 10).
- 1.4 Four signs which were to be located at Caldicot shopping precinct have now been withdrawn from the proposal.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations
DES3 - Advertisements
EP1 – Amenity and Environmental Protection
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 Magor with Undy Community Council – Recommend refusal, noting the signs would be unsightly, have a negative visual impact and be a distraction to motorists using the B4245.
- 4.1.2 Caldicot Town Council – Recommend refusal, noting the signs are unsightly, have negative impact on visitors coming to Caldicot and would be a distraction to motorists.
- 4.1.3 Portskewett Community Council – Have not responded to date.
- 4.1.4 Rogiet Community Council – Have not responded to date.
- 4.1.5 MCC Highways – Following discussions with the applicant, the applicant has re-visited the sign locations and carried out detailed surveys, safety audits and assessments in support of the proposed sign locations with particular regard to the sign location, the speed limit, the traffic flows and visual distraction etc. As stated the applicant has considered the impact of the signs on the highway and the immediate environment and I offer no objections to the proposed sign locations, the sign size and typical sign layout details as submitted in support of the application and with particular regard to the Static Advertisement Policy.

4.2 Neighbour Notification

Nine representations received. Object on the following grounds;

- Littering of landscape.
- Serves no useful purpose.
- Distracting to motorists, including HGVs.
- Will set a precedent for other companies.
- Limited income generated would not make any appreciable difference yet would have detrimental impact on our area.
- Dangerous to pedestrians.
- At risk of being blown over due to height.
- Cannot safely taken in contact details when driving past.
- Only business that would benefit is the Council.
- Already experienced safety issues with trial sign at Welsh Street in Chepstow.

4.3 Other Representations

None.

4.4 Local Member Representations

No comments received.

5.0 EVALUATION

5.1 Principle of Development

- 5.1.1 Local Development Plan Policy DES3 deals specifically with advertisements; Proposals for advertisements will only be permitted where:

- a) Having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) If located within the open countryside they would not unacceptably detract from the rural setting of the locality;
- c) If located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) If located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

5.1.2 The issues of visual clutter and impact on the countryside (criteria a) and b)) will be addressed in the following sections of this report. With regard to criteria c) and d), none of the sites are within designated Conservation Areas and none feature any form of illumination.

5.2. Amenity

5.2.1 All signs are located within or at the entrance to existing settlements, and as such are not read as part of the open countryside. None of the signs would be located within either designated Conservation Areas or Areas of Outstanding Natural Beauty. It is not uncommon to feature signage at the approach to a settlement, which may typically include place details and general highway information. Furthermore signs 5 and 6-7 would be positioned in close proximity to existing commercial premises and signage. However, it is not considered on balance that they would result in a proliferation of signs and therefore would satisfy criterion a) of DES3 as they would not cause unacceptable visual clutter.

5.3. Highway Safety

5.3.1 Sign 1 would be positioned approximately 150m from the edge of the settlement of Undy and within 70m of the 30mph zone. As such traffic in this location would not be travelling at excessive speeds, also owing to the proximity to the existing place name signs they would not appear alien or unduly distracting. Whilst there is a small paved area to the south of the carriageway this does not link to the settlement and therefore it is considered unlikely this area would be used by pedestrians.

5.3.2 Signs 2-5 are positioned in very close proximity to the edge of settlements and therefore similarly adjoin 30mph speed zones. The closest pedestrian pavement terminates well before signs 3-4 and 6-7, and whilst signs 2, 5 and 8-9 would run parallel to pavements they would not obstruct motorist's view of pedestrians.

5.3.3 All signs are positioned on relatively straight sections of road and away from junctions where they could distract drivers. Sign 2 would be closest to a junction, approximately 60m away, which is considered to be of sufficient distance so as to not cause distraction to motorists.

5.3.4 Sign 10 would be located in an urban setting where there is a 30mph limit near a large housing development (Rockfield Grove) and also an allocated housing site (Rockfield Farm). The sign would be clearly visible to drivers and pedestrians. In considering the indicative access to the proposed Rockfield Farm site (current application DC/2016/00883) it is not considered that the proposed sign would create potential conflict with pedestrians and motorists.

5.4 Other Issues Raised

5.4.1 Concerns have been raised with regard to the signs setting a precedent for other businesses. However, any future application elsewhere in the County would have to be considered on its own merits and in accordance with the relevant policies of the Local Development Plan.

5.4.2 Other concerns relate to the amount of money the project would generate; in turn it is suggested that the only party that would benefit would be the Council. These financial matters are not a material consideration to the determination of applications for express consent to display advertisements.

6.0 RECOMMENDATION: APPROVE

Conditions:

1	1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority. 2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition. 3. Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority. 4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission. 5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.

Informatives:

None.

DC/2015/01592

FREESTANDING SIGNS AT VARIOUS LOCATIONS ALONG THE A472.

MULTIPLE SITES ALONG THE A472 NEAR USK

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones
Date Registered: 22/01/2016

1.0 APPLICATION DETAILS

- 1.1 This application seeks advertisement consent for a total of two free standing signs along the A472 near Usk. The signs would be owned by Monmouthshire County Council, but are intended for local businesses to advertise. The signs would be positioned along grassed highway verges.
- 1.2 The signs would measure 1050mm x 550mm with a 20mm mid green border, the artwork area would measure 1000mm x 500mm. Beneath would be an additional sign measuring 1050mm x 200mm with a 200mm mid green border, this would display contact information.
- 1.3 A full list of all site locations is presented below:
 - 1 x sign at A472 near main college building, Usk (referred to as sign 1).
 - 1 x signs at A472 near riding college, Usk (referred to as sign 2).
- 1.4 Seven previously proposed signs have now been withdrawn from the proposal.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations
DES3 - Advertisements
EP1 – Amenity and Environmental Protection
MV1 – Development and Highway Considerations
HE1 – Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 Usk Town Council – Recommend refusal, stating there are already a ‘forest’ of signs on roadsides, no more are needed.

- 4.1.2 Llanbadoc Community Council – Recommend refusal, noting the signs would be a distraction to drivers, located on fast road with limited visibility. Also stated that the A472 has a history of road accidents, and that by adding further distractions, this can only exacerbate the problem.
- 4.1.3 Goetre Fawr Community Council – Have not responded to date.
- 4.1.4 Llantrisant Fawr Community Council – Have not responded to date.
- 4.1.5 MCC Highways – Following discussions with the applicant, the applicant has re-visited the sign locations and carried out detailed surveys, safety audits and assessments in support of the proposed sign locations with particular regard to the signs location, the speed limit, the traffic flows and visual distraction etc. As stated the applicant has considered the impact of the signs on the highway and the immediate environment and I offer no objections to the proposed sign locations, the sign size and typical sign layout details as submitted in support of the application and with particular regard to the Static Advertisement Policy.

4.2 Neighbour Notification

21 representations received. Object on the following grounds;

- Littering of landscape.
- Serves no useful purpose.
- Already experienced safety issues with trial sign at Welsh Street in Chepstow.
- A472 Little Mill to Usk has poor safety record.
- Huge impact on road safety.
- Already have appropriate signage leading into Usk, do not need more.
- Cheap and nasty way to downgrade the approach to a beautiful town.
- Dangerous to distract drivers near a school.
- Blocking sight lines near a pedestrian crossing.
- Is this appropriate at the entrance to a Conservation Area.
- No evidence of economic benefit.
- MCC failed to disclose application on the website or GIS alerts.
- Safety of school children.
- Usk in Bloom work hard to present Usk in the best way.
- Harmful to the efforts to encourage visitors and trade.
- Sign notice posted poorly, is this on purpose to ensure as few objections are received as possible.

4.3 Other Representations

Usk Civic Society – Provided the following comments:

- Considers that they are tacky and will detract from the appearance of the locations at which they would be placed and so affect the amenity of local residents and visitors, particularly in countryside which is for the most part of Special Landscape Area quality.
- will be an unnecessary additional distraction to drivers on a road which already has a history of traffic accidents
- If a passing motorist, seeing one of these signs, wishes to note the details of the advertising business, in these days he may well wish to put the information on his phone. If he stops and turns off his engine to do so, he is creating a traffic hazard

on a busy and narrow road. If he does not, and uses his phone on the move, he commits an offence.

- Very existence of these signs, therefore, tends to incite the commission of a road traffic offence. That, surely, is not something to which a responsible public authority should give countenance.
- This is so close to the two entrances to the school that any additional distraction to drivers must be unacceptable. It is shocking that one part of a local authority should be prepared to place the pupils at one of its own schools at extra risk in this way.
- It is shocking that one part of a local authority should be prepared to place the pupils at one of its own schools at extra risk in this way.

4.4 Local Member Representations

No comments received.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 Local Development Plan Policy DES3 deals specifically with advertisements;

Proposals for advertisements will only be permitted where:

- a) Having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) If located within the open countryside they would not unacceptably detract from the rural setting of the locality;
- c) If located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) If located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

5.1.2 The issues of visual clutter and impact on the countryside (criteria a) and b)) will be addressed in the following sections of this report. With regard to criteria c) and d), none of the sites are within designated Conservation Areas and none feature any form of illumination.

5.2 Amenity

5.2.1 Signs 1 and 2 are positioned adjacent to the college near Usk. This site already features a number of large sign in respect of the college premises. Therefore similar to Sign 1, these are not considered to cause unacceptable additional harm to the visual amenity of the area.

5.3 Highway Safety

5.3.1 Sign 1 is positioned within a 40mph section of the A472 in the vicinity of Usk College. This section of highway also features a controlled pedestrian crossing at the campus which naturally reduces traffic speeds. For these reasons it is not considered that the sign would cause unacceptable distraction.

5.3.2 Sign 2 is located on a straight section of the A472 and would be approximately 60m from the nearest junction, given this distance it is not considered that it would cause

distraction to motorists at this junction. It is therefore considered that there are no highway grounds to warrant refusal of this sign.

5.4 Other Issues Raised

5.4.1 Other concerns relate to the amount of money the project would generate, in turn it is suggested that the only party that would benefit would be the Council. . These financial matters are not a material consideration to the determination of applications for express consent to display advertisements.

5.4.2 Comments have also been raised regarding the public consultation of the application. Site notice were published at all locations in the most suitable publically accessible locations. Any technical issues with regards to the Council's GIS alert system would need to be addressed within the responsible section within the Council.

6.0 **RECOMMENDATION: APPROVE**

6.1 Approval

6.1.1 The advertisements are considered acceptable in accordance with Policies DES1, DES3 and EP1 of the Monmouthshire Local Development Plan.

Conditions:

1	<p>1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>3. Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p> <p>5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).</p>
2	<p>The development shall be carried out in accordance with the list of approved plans set out in the table below.</p>

Informatives:

None.

DC/2015/01593

8 NO. FREESTANDING SIGNS

MULTIPLE SITES ALONG A4810 (EASTERN ACCESS ROAD), NEAR MAGOR

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones
Date Registered: 22/01/2016

1.0 APPLICATION DETAILS

- 1.1 This application seeks advertisement consent for a total of seven free standing signs at multiple sites along the A4810 Eastern Access Road. The signs would be owned by Monmouthshire County Council, but are intended for local businesses to advertise. All signs would be erected along grassed highway verges adjacent to the carriageway.
- 1.2 The signs would measure 1050mm x 550mm with a 20mm mid green border, the artwork area would measure 1000mm x 500mm. Beneath would be an additional sign measuring 1050mm x 200mm with a 200mm mid green border, this would display contact information.
- 1.3 A full list of all site locations is presented below:
- 1 x signs near Magor Brewery (referred to as sign 1).
 - 4 x signs near the railway bridge at Llandevenny (referred to as signs 2-5).
 - 2 x signs near the Tesco Distribution Centre, Magor (referred to as sign 6-7).
- 1.4 One addition sign near Magor Brewery has now been withdrawn from the application.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations
DES3 - Advertisements
EP1 – Amenity and Environmental Protection
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 Magor with Undy Community Council – Recommend refusal, noting the signs would be unsightly, have a negative visual impact and be a distraction to motorists.

4.1.2 MCC Highways – Following discussions with the applicant, the applicant has re-visited the sign locations and carried out detailed surveys, safety audits and assessments in support of the proposed sign locations with particular regard to the signs location, the speed limit, the traffic flows and visual distraction etc. As stated the applicant has considered the impact of the signs on the highway and the immediate environment and I offer no objections to the proposed sign locations, the sign size and typical sign layout details as submitted in support of the application and with particular regard to the Static Advertisement Policy.

4.2 Neighbour Notification

Three representations received. Object on the following grounds;

- Littering of landscape.
- Serves no useful purpose.
- Already experienced safety issues with trial sign at Welsh Street in Chepstow.
- I believe these signs also show the companies advertising in a bad light, as it can seem that the promotion of their company or the raising of revenues comes before the safety of the general public.
- Inappropriate and short sighted proposal.
- Huge impact on road safety.
- Highway is already cluttered with signs.
- Attempt at money grabbing.

4.3 Other Representations

None.

4.4 Local Member Representations

No comments received.

5.0 **EVALUATION**

5.1 Principle of Development

5.1.1 Local Development Plan Policy DES3 deals specifically with advertisements; Proposals for advertisements will only be permitted where:

- a) Having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) If located within the open countryside they would not

- unacceptably detract from the rural setting of the locality;
- c) If located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) If located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

5.1.2 The issues of visual clutter and impact on the countryside (criteria a) and b)) will be addressed in the following sections of this report. With regard to criteria c) and d), none of the sites are within designated Conservation Areas and none feature any form of illumination.

5.2. Amenity

5.2.1 Sign 1 is located immediately adjacent to the Magor Brewery site, and therefore whilst not on the fringe of a settlement it is within the context of a developed area, in close proximity to this busy distributor road and the M4 motorway to the north. The area is not considered to be of special rural character and the signs would not appear alien.

5.2.2 Signs 2-5 would be positioned either side of the railway bridge to the west of Llandevenny. Again given this context, the signs here are not considered to adversely affect the wider rural setting.

5.2.3 Similar to Sign 1, Signs 6-7 would be positioned in close proximity to large industrial buildings (including the Tesco Distribution Centre). Therefore given the context, these signs would not be harmful to the wider rural landscape.

5.3 Highway Safety

5.3.1 All signs are positioned along straight sections of the highway, and whilst in each case the national speed limit would apply it is not considered that they would provide an unacceptable distraction to motorists. Each site is positioned sufficiently away from any junction, and there are no pedestrian pavements in the vicinity of any of the signs.

5.4 Other Issues Raised

5.4.1 Comments have been received in relation to the amount of money the project would generate, in turn it is suggested that the only company that would benefit would be the Council. These financial matters are not a material consideration to the determination of applications for express consent to display advertisements..

6.0 RECOMMENDATION: APPROVE

Conditions:

1	<p>1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>3. Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p>
---	--

	<p>4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p> <p>5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).</p>
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.

Informatives:

None.

DC/2015/01594

6 NO. FREESTANDING SIGNS.

MULTIPLE SITES A48 / CHEPSTOW

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones
Date Registered: 20/01/2016

1.0 APPLICATION DETAILS

- 1.1 This application seeks advertisement consent for a total of six freestanding signs at multiple sites along the A48 in the vicinity of Chepstow and Caerwent. The signs would be owned by Monmouthshire County Council, but are intended for local businesses to advertise. The signs would be positioned along grassed highway verges.
- 1.2 The signs would measure 1050mm x 550mm with a 20mm mid green border, the artwork area would measure 1000mm x 500mm. Beneath would be an additional sign measuring 1050mm x 200mm with a 200mm mid green border, this would display contact information.
- 1.3 A full list of all site locations is presented below:
- 2 x signs at A48 near Parkwall roundabout (referred to as signs 1-2).
 - 1 x sign at A48 near Chepstow Garden Centre (referred to as sign 3).
 - 1 x sign at Wye Valley Link Road on the approach to High Beech roundabout, Chepstow (referred to as sign 4).
 - 2 x sign at A48 Caerwent, between Dinham Road and Pound Lane (referred to as signs 5-6).
- 1.4 Eight signs have now been withdrawn from the original proposal.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations
DES3 - Advertisements
EP1 – Amenity and Environmental Protection
MV1 – Development and Highway Considerations
HE1 – Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 Chepstow Town Council – Recommend refusal, stating signs would be unsightly and present considerable distraction to motorists. Would add to roadside clutter and detract from the countryside. Signage is unattractive and dangerously placed within the different speed limits of the A48.
- 4.1.2 Shirenewton Community Council – Recommend refusal, noting the signs would be a distraction to drivers and that Highways Department Officers have always argued this point. There is already a proliferation of highway signage, further signage would spoil the character of the countryside. Tourism is the biggest industry in Monmouthshire, signs to already neglected verges would be detrimental to the landscape.
- 4.1.3 Caerwent Community Council – Have not responded to date.
- 4.1.4 Mathern Community Council – Have not responded to date.
- 4.1.5 MCC Highways – Following discussions with the applicant, the applicant has re-visited the sign locations and carried out detailed surveys, safety audits and assessments in support of the proposed sign locations with particular regard to the signs location, the speed limit, the traffic flows and visual distraction etc. As stated the applicant has considered the impact of the signs on the highway and the immediate environment and I offer no objections to the proposed sign locations, the sign size and typical sign layout details as submitted in support of the application and with particular regard to the Static Advertisement Policy.

4.2 Neighbour Notification

Eight representations received. Object on the following grounds;

- Littering of landscape.
- Serves no useful purpose.
- Already experienced safety issues with trial sign at Welsh Street in Chepstow. Distracting drivers who consistently speed as they enter a built up area where there are two busy junctions, a further two minor junctions with poor visibility to oncoming traffic, children crossing for the school bus at two bus stops, a care home, and many houses with access directly onto the A48.
- Advertising such as this is better left to web-sites, council literature and local / national press.
- Inappropriate and short-sighted development.
- Huge impact on road safety.
- The highway is already cluttered with signs.
- Tantamount to visual litter and would detract from the natural beauty of the area.
- Counted over 50 road traffic signs in the mile and a half through Caerwent to Crick.
- Highway is a popular cycle route.
- Will set precedent for other large signs.

5.0 EVALUATION

5.1 Principle of Development

- 5.1.1 Local Development Plan Policy DES3 deals specifically with advertisements;

Proposals for advertisements will only be permitted where:

- a) Having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) If located within the open countryside they would not unacceptably detract from the rural setting of the locality;
- c) If located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) If located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

5.1.2 The issues of visual clutter and impact on the countryside (criteria a) and b)) will be addressed in the following sections of this report. With regard to criteria c) and d), none of the sites are within designated Conservation Areas and none feature any form of illumination.

5.2. Amenity

5.2.1 Signs 1-2 would be positioned approximately 75m from Parkwall Roundabout, this also serves a number of commercial premises including a restaurant and small industrial units. Therefore given the context it is not considered the signs would appear alien or harmful to the wider environment.

5.2.2 Sign 3 would be positioned immediately in front of Chepstow Garden Centre; there is also a petrol filling station to the north, both of which feature a number of freestanding advertisements. As such the provision of the two signs in this location is not considered unacceptable in visual amenity terms.

5.2.3 Sign 4 would be positioned within a large grassed verge to the north of High Beech roundabout at the entrance to the town of Chepstow. Therefore the sign is to be sited within a more urbanised setting and would be in close proximity to larger existing highway signs as a result. Whilst the location chosen is approximately 220m from the boundary of the Conservation Area it would be physically separated by the large High Beech roundabout. As such it is considered on balance that the sign could not be considered to cause such harm to visual amenity so as to warrant refusal.

5.2.4 Signs 5-6 are located along the northern edge of the Caerwent Conservation Area. However, they would be located on the hard surfaced central island of the A48, which is enclosed by mature vegetation. There are two premises in close proximity which display advertisements including one large freestanding sign. Therefore within the immediate context it is not considered that the proposed adverts would fail to preserve or enhance the Caerwent Conservation Area.

5.3 Highway Safety

5.3.1 Signs 1-2 would be within an urban setting with a 60mph limit. It is away from immediate housing approaching the Parkwall roundabout which features an industrial area and farm adjacent.

5.3.2 Sign 3 would be positioned approximately 150m to the south of main entrance of Chepstow Garden Centre. Given these distances it is not considered that it would cause distraction to motorists at this junction. It is therefore considered that there are no highway grounds to warrant refusal of this sign.

5.3.3 Sign 4 would be positioned approximately 80m from High Beech roundabout, therefore given this distance it is not considered that it would cause an unacceptable distraction to motorists travelling from the north approaching the roundabout.

5.3.4 Signs 5-6 would be positioned in a semi-urban setting where there is a 30mph speed limit. Motorists in this location cannot overtake due to the presence of the central island

5.4 Other Issues Raised

5.4.1 Concerns have been raised with regard to the signs setting a precedent for other companies. However, any future application elsewhere in the County would have to be considered on its own merits and in accordance with the relevant policies of the Local Development Plan.

5.4.2 Other concerns relate to the amount of money the project would generate, in turn it is suggested that the only party that would benefit would be the Council. These financial matters are not a material consideration to the determination of applications for express consent to display advertisements. With regard to pedestrians there are controlled crossings within close proximity to the signs. Therefore it is considered that the signage would not prejudice pedestrian safety

6.0 RECOMMENDATION: APPROVE

6.1 Approval

6.1.1 The advertisements are considered acceptable in accordance with Policies DES1, DES3 and EP1 of the Monmouthshire Local Development Plan.

Conditions:

1	<p>1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</p> <p>2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>3. Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</p> <p>4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p> <p>5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).</p>
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.

Informatives:

None.

DC/2016/00415

OUTLINE APPLICATION FOR THE CONSTRUCTION OF 8 DWELLINGS INCLUDING 5 AFFORDABLE HOUSING UNITS

LAND ADJACENT TO THE B4293 AND CHURCH ROAD, LLANISHEN

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 26/04/16

1.0 APPLICATION DETAILS

- 1.1 This is an outline application with all matters reserved. The applicant has submitted an indicative site layout plan. The plan shows eight dwellings surrounding a courtyard with a vehicular access off Church Road. There would be a row of four 2-bedroom dwellings and also a single detached 2-bedroom dwelling; each would have a maximum ridge height of 7 metres and these would all be offered as affordable units. In the south-east corner of the site there would be a detached 3-bedroom dwelling with a maximum ridge height of 8 metres. In the north-east corner would be a 4-bedroom dwelling with a maximum ridge height of 9 metres. On the south-west corner would be a 3-bedroom dwelling with a secondary frontage onto Church Road. A total of 19 off road car parking spaces would be provided.
- 1.2 The site is on the northern side of Llanishen adjacent to Penarth Farm and covers an area of approximately 0.23ha. It is situated within the Wye Valley Area of Outstanding Natural Beauty. To the north of this site is open countryside, to the east on the opposite side of the B4293 is Llanishen Garage and Car Sales, while to the south is the Carpenters Arms Public House and a residential bungalow. The site has been allocated for housing in the LDP.
- 1.3 Since the initial submission the layout has been amended and all interested parties re-consulted.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 Special Distribution of New Housing Provision

S2 Housing Provision

S4 Affordable Housing Provision

S5 Community and Recreational Facilities

S12 Efficient Resource Use

S13 Landscape, Green Infrastructure and the Natural Environment

S16 Transport

S17 Place Making and Design

Development Management Policies

H2 Residential Development in Main Villages

CRF2 Outdoor Recreation

SD4 Sustainable Drainage
LC4 Wye Valley AONB
LC5 Protection and Enhancement of Landscape Character
GI1 Green infrastructure
NE1 Nature Conservation and Development
EP1 Amenity and Environmental Protection
MV1 Proposed Development and Highway Consideration
DES1 General Design Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Trellech United Community Council

- Eight dwellings would represent overdevelopment of the site, which in the LDP is allocated for "around 5 houses" - with the original wording in the LDP being a "maximum of 5 houses".
- Drainage - councillors believe the site is not on mains sewerage, and no space is available on the plan for a treatment plant,
- Removal of hedges. The outline plan shows buildings right onto the northern boundary of the site, which would necessitate removal of the hedge between the site and open countryside. The hedge along the lane (Church Rd) would also need to be removed. The result would be very urban (especially given the density of the housing) and would not be in keeping with the village. The village lies within the Wye Valley AONB, and MCC has a duty to **enhance the environment within the AONB**.
- Considerable concerns about the amount of extra traffic and traffic manoeuvres on a single track lane.
- There is no footway on this narrow lane, nor any provision in the plan to provide a footway, despite the fact that the development could be expected to bring more families with children, and the lane is the pedestrian access route to the school bus.

Community Council's comments dated 21st October 2016: maintain recommendation for refusal - The addition of a pedestrian path is acknowledged; but all other objections to the original plans still apply.

MCC Biodiversity

Ecological Considerations

Dormouse

A preliminary ecological appraisal was undertaken in 2013 and updated in 2016, the site was found to be of moderate ecological value. It is unfortunate that the mature hedgerow noted as having importance for dormice in the 2013 assessment was removed without further survey prior to the 2016 review. Considering this loss of habitat it is important that the proposed scheme compensates and enhances habitat connectivity for dormice populations in the vicinity. It is therefore recommended that a condition which secures details of landscaping specifications is included on any consent.

Despite the loss of important mature hedgerow on the southern boundary of the site with church road, the leftover hedgerow and scrubby vegetation on site remains important habitat for dormice. There are many records of dormice in close vicinity to the site and we cannot rule out presence of this species. It will therefore be necessary to secure a construction method statement to ensure adequate precautionary measures are taken during clearance of the site for development. The amended site plan dated August 2016 indicates vegetation to the north, west and part of the southern portion of the site. This

would function as ecological compensation for the lost habitat which is welcomed as it forms valuable connections to the wider landscape both for dormice, foraging/commuting bats and other wildlife. To ensure the long term functionality of this boundary for ecological purposes it is important that this sits outside of private ownership or is subject to some form of covenant to ensure protection and adequate future management.

Bats

The current survey clearly indicates that there is potential for bats to roost in some of the mature trees that remain on site (as seen yesterday 17/10/2016), we have not received a tree constraints or retention/ removal plan and as such we cannot be sure which trees, if any, are proposed for removal. It is absolutely necessary for these trees to be adequately assessed prior to removal, and preferably before application determination. A bat method statement will be necessary and could be secured via planning condition.

Reptiles

Whilst the survey does not raise any particular potential for reptiles due to the tall ruderal vegetation that was present on site at the time of survey. It should be noted that there are records for reptiles at Llanishen and the site conditions are seasonal with other times of the year, being likely to be more suitable. In order to adequately protect these species through development works it will be necessary to secure precautionary clearance measures through a reptile method statement condition.

Nesting Birds

The development site, whilst recently cleared, retains habitat that would be suitable for nesting birds therefore, clearance works should be informed by a suitable working method statement as recommended in the conditions below.

Lighting – bats, dormice, nesting bird

The site is on the edge of the settlement in currently dark surroundings, taking into account the likely presence of dormice and foraging/commuting bats, lighting will be a consideration. A lighting strategy which demonstrates the protection of key areas for these species is required and a condition is provided below. Alternatively, a lighting design strategy could be submitted with the Reserved Matters application.

Ecological Enhancements In line with LDP policy NE1 and our biodiversity duty under the Environment Act (Wales) 2016 we would expect the development to include enhancements for biodiversity within the new buildings these should include integrated roosting/nesting provision for bats and birds. It is noted and welcomed that the updated Design and Access Statement includes suggested details of these enhancements, it is accepted that this detail could be submitted with the Reserved Matters application.

Planning Policy

I refer to the above application for the construction of 8 dwellings on land adjacent the B4293 and Church Road, Llanishen which is allocated in the LDP in Policy SAH11. The site reference of which is SAH11 (ix) (b), the Policy indicates the allocation is for around 5 dwellings. Policy SAH11 notes any increase in capacity above that stated is unlikely to be acceptable unless it can clearly be demonstrated that there is no adverse impact on village form and character and the surrounding landscape. These requirements must be met in full if the increase to 8 units is considered to be acceptable. It is noted the application has been submitted in outline only, it would be necessary to establish whether sufficient detail has been provided to enable an assessment to be made against this part of Policy SAH11. General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must be taken into consideration. As the site is located in the Wye Valley Area of Outstanding Natural Beauty a high standard of design is required, in this respect Policy LC4 relates specifically to development in the AONB and must be complied with.

Policy S4 relates to Affordable Housing Provision and states that in Main Villages there

is a requirement for at least 60% of the dwellings to be affordable. While a higher number of dwellings than anticipated are proposed, the application proposes 3 market dwellings and 5 affordable dwellings equating to 60% affordable provision and therefore complies with Policy S4 in principle.

Policy NE1 Nature Conservation and Development and Policy GI1 relating to Green Infrastructure (GI) should also be considered at the detailed stage. While detailed matters relating to access will be considered at the Reserved Matters stage Policy MV1 relating to proposed development and highway considerations is of relevance.

MCC Housing Officer

Thank you for your email of 13th October, 2016. Housing and Communities have pleasure in responding to the consultation as follows:

Site Name	
Policy compliant percentage of affordable housing	60%
Standard required	Welsh Government Development Quality Requirements (DQR) - a copy of this document can be obtained from the Welsh Government website.
DQR Website Link	http://gov.wales/desh/publications/housing/devquality/guide.pdf
Tenure of affordable housing	4 for social rent and 1 LCHO
Mix required 2 person 1 bed flats 4 person 2 bed houses 5 person 3 bed houses 6 person 4 bed houses 3 person 2 bed bungalows	Number of units 5 x 4 person 2 bed houses
Price to be paid by RSL for affordable units	38% of Welsh Government Acceptable Cost Guidance (ACG) for the social rented units and 50% of ACG for the LCHO unit – figures available on request.
Preferred RSL Partner	Pobl Group (Charter Housing)
Contact name at RSL	Gavin Howells or Tom Harris
Tenure of affordable housing	Neutral Tenure. This is where tenure of housing is not predetermined but can vary according to needs, means and preferences of households to whom it is offered.
Affordable Housing SPG Link	http://gov.wales/desh/publications/housing/devquality/guide.pdf

MCC Highways

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.

MCC Landscape

We would have no objection to this proposal, subject to the following changes and conditions.

Changes/Amendments

There are a number of minor amendments needed (to the plan and DAS) to ensure that their submission meet policy requirements; set out in MCC LDP GI1, LC4/LC5 and DES1.

1. The key focal building (unit 1) - This should create a subtle addition to the landscape; It will provide built form to denote the development boundary and entrance to the village (as will units 2&3).

I do not agree that the principle elevations (facing north and east) should maximise views to the open countryside beyond. The design and treatment of this boundary must be subservient to the primary purpose (LC4), in particular LC4 (b) to conserve and enhance the natural beauty of the Wye Valley AONB.

There is no architectural merit in a heavily glazed elevation on unit one, or on any of those facing north or east. Prioritisation should be given to the degree in which the design, quality and use of appropriate materials harmonise with the surrounding landscape; and built environment. I suggest a detailed condition to enforce this. (See below)

Section 4.0 of DAS should be amended to reflect this change.

2. Section 4.0 of DAS refers to 9 properties – To be amended.
3. Development set back 3m from NE boundary.
4. A strategic landscape planting proposal is submitted for approval.

Some simple amendments to the site plan will meet this requirement (see below)

- a) Amend text – soft landscape buffer of trees and hedgerows (NE/NW boundary) Landscape planting buffer to retain existing tree planting (on-site) and include additional hedgerow planting at three staggered rows; a native mix and 4no. heavy standard trees (also native).
- b) Amend text – soft landscaped buffer of trees and hedgerows (SE boundary) Landscape planting buffer to retain existing tree planting (on-site) and include additional hedgerow planting at three staggered rows; a native mix and 2no. heavy standard trees (also native).
- c) Add text – 2no heavy-standard street trees planted; with understorey shrub planting (S boundary)
- d) Add text – 3no heavy standard street trees planted (S boundary)
- e) Add text – 1no extra heavy-standard feature tree planted (S boundary)
- f) Add text – 1no extra heavy-standard feature tree planted; with understorey shrub planting (Central)
- g) Text – 1800mm soft landscaped grass verge.

Reason(s).

1. To ensure that the development, approved with an outline planning permission, is constrained to the parameters described in the design and access statement; and that any future decisions relating to that outline permission are constrained by information contained within that submission.

Notes: The DAS included an appropriate site and context analysis, identifying many site constraints and opportunities to improve their proposal. The site and context appraisal is a basis for good design and for evidence-based decision making during the whole design process (including reserved matters).

We would advise that a design strategy; layout, sections and elevations of the scheme are fixed to the outline permission; this should also illustrate details of scale (contextually) and details of its proposed appearance.

Section 4.0 states their intentions with regards to character and appearance. I agree that the overall form of a traditional farm courtyard should be replicated; this is also the most efficient layout. I support higher densities, especially where connectivity is good and open space and environmental assets are protected.

Pastiche elevational treatments or details should not be permitted and I agree that architectural style should be contemporary. The prevailing scale of local character is of national significance (AONB), however locally, architecture and townscape quality is considered to be poor. A contemporary design should be weighted to consider firstly its integration (into the landscape), architectural merit and details; reflecting local materials, building techniques and local cultural assets.

Development proposals are expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure (GI) network, by ensuring that individual GI assets are retained and integrated into development, and/or by incorporating new and enhanced GI assets, of an appropriate type, standard and size. We feel that there is scope to incorporate new GI assets into the proposed development. Green infrastructure assets should be kept out of private ownership, particularly new planting along the east, west and northern boundaries. This will be important to maintain the integrity of this priority habitat for Dormouse and other biodiversity. The planting scheme across the site should also consider benefits for pollinating insects. A management plan will be required.

Welsh Water

No objections provided that surface water and land drainage be disposed of separately from foul water and that an 8 metre wide easement is left for the water main that crosses the site.

4.2 Neighbour Notification

Letters from 3 addresses received:

The site is close to existing residential properties

Noise disturbance (objector works nights and needs to sleep during the day)

Highway dangers from mud and debris on the road

Additional traffic on Church Road which is a single track road

Lack of visibility at the junction between Church Road and The B4293

Accidents have occurred and it is dangerous for school children

A pavement is required

Development will exacerbate flooding problems

Over-development

Traffic calming should be implemented by narrowing the B4293

The position of the access into the site should be altered.

4.3 Other Representations

Gwent Wildlife Trust

No Ecological appraisal has been provided, some habitats of interest have been present on the site especially trees and shrubs. These may be home to protected species. Plans for the site need to incorporate existing wildlife features or aim to replace native species that have been lost to the development. The large area of paving and concrete is not offering any valuable replacement habitats. Request an ecological appraisal and some replacement habitat.

5.0 EVALUATION

5.1 Principle of development

5.1.1 Policy S1 of the LDP identifies Llanishen as a main village and this site is within the Village Development Boundary. In addition this site has been allocated under Policy SAE11 as an allocated housing site for around five dwellings. The principle of residential development on this site is therefore established. The LDP only suggests that the site is suitable for around five dwellings but it could be developed for more if it can be demonstrated that there is no adverse impact on the village form and character or cause harm to the surrounding landscape. The MCC Landscape Officer supports a higher density in this location if environmental assets can be protected. The layout of this proposal has been very carefully considered with the principal inspiration for the development being a traditional farm courtyard, featuring individual buildings surrounding a central area of hard landscaping, and providing a focus for the development. In this case the indicative site plan has demonstrated that the site can accommodate eight small to medium-sized dwelling units while respecting the existing village character and form and also reintroducing large corridors of environmental assets. The proposal is considered to accord with the objectives of LDP Policy DES1

5.2 Affordable Housing

5.2.1 Policy S4 of the LDP states that within 'Main Villages' identified in Policy S1, development sites with a capacity of three or more dwellings, will make provision for at least 60% of the total number of dwellings on the site to be affordable. In this case it is proposed to provide 3 market houses and 5 affordable houses; this is policy compliant. MCC's Housing Officer considers the number and type of dwellings being offered for Affordable Housing is acceptable. Five two-bedroom units are being offered; four would need to be for social rent and one only for low cost home ownership. Monmouthshire has a large number of bids for the social rented properties, but there is difficulty finding local people who can afford to buy. It is now very clear that the greatest need in this area is for social rented units.

5.3 Layout

5.3.1 The site is within the Wye Valley Area of Outstanding Natural Beauty and the layout of the proposal has been carefully considered in order to conserve and enhance the natural beauty of the surrounding landscape. A substantial landscape buffer of trees and hedgerows will be planted along all the boundaries of the site but most particularly along the eastern and north-west boundary. Not only will this provide a wildlife corridor but it will also help to screen the impact of the development when viewed from the surrounding countryside. The courtyard layout with a central island of trees provides a focal point and interesting design. It is proposed that the three detached dwellings at the corner of the site will be key focal buildings. The proposed low ridge heights, all 8 metres or below, with the exception of the 4 bed unit in the corner, will ensure that the new dwellings will not dominate the cottages and bungalows on the opposite side of the road. The car parking provision meets the adopted Monmouthshire standards.

5.4 Highway Safety

5.4.1 The vehicle access into the site has been repositioned since the original submission and is now located towards the centre of the site, onto Church Road; it is set at 90 degrees

to the highway making ingress and egress to the site safer. The indicative level of parking provision would comply with the adopted Monmouthshire Parking Standards, of one space per bedroom, up to a maximum of three spaces. The site has been allocated within the LDP and prior to that allocation the appropriateness of the surrounding highway network to accommodate this additional traffic would have been considered in full. There is no question that the B4293 has sufficient capacity to accommodate the traffic generated from eight dwellings and no problems are envisaged here. The access into the site is from Church Road, a narrow and lightly trafficked section of road. The proposed access into the site is approximately 20 metres from the junction of Church Road with the B4293. An increase in traffic along this 20 metre stretch will not cause significant harm to the surrounding road network. The amended layout provided for a footpath along the Church Road frontage of the site and this will improve highway safety in the area.

5.5 Biodiversity

5.4.1 The layout now includes the planting of substantial hedgerows along the boundaries of the site, and this will provide wildlife corridors around the site which will provide habits for dormice, reptiles and bats. This strategic landscaping proposed would also provide a green buffer around the northern, western and part of the southern boundaries of the development. MCC's Biodiversity Officer is confident that appropriate conditions could be imposed to protect species during development and there would be a net gain in terms of biodiversity for the area. Prior to the submission of this outline application, much of the vegetation on this site was cleared. The proposed scheme will compensate and enhance the habitat connectivity for dormice in the vicinity with the planting of new robust hedgerows along the boundaries of the site. The new planting would function as ecological compensation and is welcomed by the MCC Biodiversity Officer. It is not however reasonable for this planting to extend beyond the site boundaries into land which is outside the applicant's control. There is potential for bats to be present in the vicinity and a tree assessment will be required as part of the reserved matters submission. Ecological enhancements are also necessary and these can be built into the design of the scheme as part of the reserved matters. This current application is in outline only with all matters reserved; the layout is only indicative at this stage but if approval is granted a note to applicant can be added to the decision notice, stating that the detailed landscaping advice set out by MCC's Landscape Officer should be taken into account when drawing up the proposed detailed landscaping plan as part of the reserved matters submission.

5.6 Flooding

5.6.1 The site is not located in any designated flood zone and there is no water course running through the site. There is no anecdotal evidence that the site floods but some of the slurry from the adjoining farm is understood to run-off into the site; this would have to be addressed by the adjoining farmer before development could commence but is a civil matter. It is proposed that surface water runs off through permeable surfaces for all hard areas, with soakaways for garden areas and foul drainage would connect to main drains in the main road.

5.7 Residential Amenity.

5.7.1 To the north-west of the site is Penarth Farm and between the site and the farmhouse is a range of agricultural buildings related to dairy farming, so that the farm house is unaffected by the proposal. There is a cattle yard adjacent to the site and within 8 metres of the rear elevations of the proposed dwellings. As the agricultural unit was in existence before the houses were built, the occupiers of these dwellings will be aware of the close

proximity of the cattle and this would have been considered when the site was allocated in the LDP. To the south of the site, on the opposite side of Church Road is the Carpenters Arms public house, it mainly has its rear elevation facing towards the site and will not be adversely affected by the proposal. To the east of the site on the opposite side of the B4293 is a repair garage but again this is not adversely affected by the proposal. The only residential property close the site is Clemendy Bungalow to the south and on the opposite side of Church Road. Its front windows face towards an area of green open space between the proposed development and Penarth Farm. From the front elevation of Clemendy bungalow it will be possible to see the side elevation of one of the plots but there will be approximately 18 metres between the two properties with Church Road between them so there will be no significant overlooking or loss of privacy. The proposal does accord with criterion d) of Policy DES1 as it does maintain reasonable levels of privacy and amenity to the occupiers of neighbouring properties.

5.8 Other issues raised

5.8.1 One local resident has objected in the grounds that there will be noise and disturbance generated from the site during the construction phase and that this will disrupt his sleep as he works nights. Noise and disturbance during the construction phase is only a temporary situation and it would be unreasonable for the Council to impose a condition that construction work could not take place during the day. It would be up to the developers to ensure that no mud or debris was allowed onto the adjoining highway network during construction.

5.9 Response to the Representations of the Community Council

5.9.1 Trellech Community Council were concerned about over-development of the site but, this has been discussed above and although the site was allocated for approximately five dwellings the proposed layout has demonstrated that higher density and smaller units can be comfortably accommodated on the site while still providing for significant green infrastructure and respecting the character of the existing village form. Welsh Water have not objected to the proposal and has not indicated that there is a lack of capacity within the main sewer which runs adjacent to the site. Since the original submission the plan has been amended and it is now proposed to plant substantial hedgerows along the boundaries of the site, and similarly a footway along Church Road is now proposed. The impact of increased traffic has been considered above.

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons

1. Reserved matters application details to be submitted
2. List of Plans approved
3. Welsh Water foul and surface to be drained separately
4. Construction Method Statement

No development, vegetation clearance or 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 method statement shall include as a minimum detailed working practices and measures to safeguard the following;

- 1) Dormice
- 2) Common reptile species
- 3) Nesting birds
- 4) Bat method statement (in relation to potential tree roosts)

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

Reason: To provide precautionary measures for protected species and species of conservation concern in accordance with LDP policy NE1 and the Environment (Wales) Act 2016

5 Landscape

No development shall take place until full details of landscape works have been submitted to and approved in writing by the local planning authority. Details shall include [for example]: planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.

Reason: To protect habitat used by species of conservation concern and comply with Section 7 of Environment (Wales) Act 2016 and LDP Policy NE1.

6. Bat and Bird enhancements

Prior to commencement of works, a scheme of enhancements for bats and birds on the new buildings shall be submitted to the LPA for approval in writing. This must include but not be limited to;

- 1) Integrated nest box provision
- 2) Integrated bat roost provision for crevice dwelling bats

The scheme shall thereafter be implemented in full.

Reason: To provide maintain and enhance biodiversity and therefore comply with the Biodiversity Duty in the Environment (Wales) Act 2016 and LDP Policy NE1.

Informatives

1. **Bats** – 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.
2. **Nesting Birds** – Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.
3. **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 immediately.
4. **Hazel Dormouse** - Please note that the hazel dormouse is protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.
5. The applicant's attention is drawn to the detailed comments made by MCC Urban Design - Landscape Architecture in his consultation response dated 19/10/16. These matters should be addressed in full and incorporated into the landscaping scheme to be submitted as part of the Reserved Matters Application.



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Adeilad y Goron,
Parc Cathays, Ffôn/tel:
Caerdydd, CF10 3NQ Eboست/email: wales@pins.gsi.gov.uk

Crown Buildings,
Cathays Park,
Cardiff, CF10 3NQ

www.gov.wales/topics/planning

Eich Cyf/Your Ref: DC/2014/01489
Ein Cyf/Our Ref: APP/E6840/A/16/3150437

Planning Officer
Monmouthshire County Council
Planning Section
County Hall
Rhadyr
Usk
NP15 1GA

29 September 2016

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr & Ms Hutchinson & Jones
Site Address: Pwll-y-Cath, Newchurch, Chepstow, NP16 6DJ

Amgaeaf benderfyniad yr Arolygydd
ar yr apêl uchod.

I enclose the Inspector's decision on the
above appeal.

Pan fyddwch wedi darllen llythyr y
penderfyniad yn llawn, neilltuwch yr
amser i lenwi ein holiadur Adborth
wedi'r Penderfyniad. Mae'r holiadur
ar gael ar-lein yn:

Once you have read the decision
letter fully, please take the time to
complete our Post Decision Feedback
questionnaire. The questionnaire is
available online at:

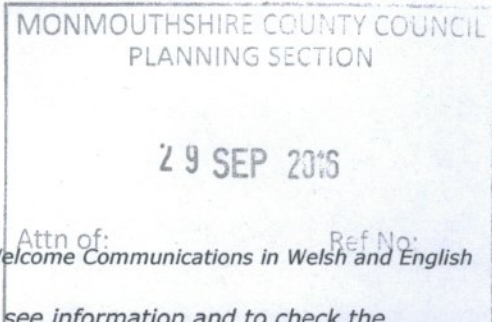
<https://www.surveymonkey.com/s/PostDecisionQ>

Yours sincerely,

Rhys Spencer
Rhys Spencer

Rydym yn Croesawu Gohebiaeth yn Gymraeg a Saesneg

Attn of: We Welcome Communications in Welsh and English Ref No:



Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 23/08/16

Site visit made on 23/08/16

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

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

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 29.09.2016

Date: 29.09.2016

Appeal Ref: APP/E6840/A/16/3150437

Site address: Pwll-Y-Cath, Newchurch, Chepstow NP16 6DJ

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Hutchinson & Ms Jones against the decision of Monmouthshire County Council.
- The application Ref DC/2014/01489, dated 28 November 2014, was refused by notice dated 13 November 2015.
- The development proposed is the demolition of existing dwelling and replacement with new residential dwelling with associated access, curtilage and landscaping works.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and replacement with new residential dwelling with associated access, curtilage and landscaping works at Pwll-Y-Cath, Newchurch, Chepstow NP16 6DJ in accordance with the terms of the application, Ref DC/2014/01489, dated 28 November 2014, and the amended plans submitted with it, subject to the conditions set out in the schedule attached as Annex A.

Procedural and Preliminary Matters

2. The proposal was amended following submission to the Council but prior to its determination. The amendments were made in response to comments received from the Council and consist of the re-siting of the dwelling as shown on the Site Layout Plan and the Site Sections. I am satisfied that no party would be prejudiced by my consideration of the amended plans. I have therefore determined the appeal on this basis.
3. The officer's report to Planning Committee dated 8 September 2015 recommended approval of the application subject to conditions. However, the application was deferred at the meeting so as to invite the appellant to consider re-positioning the replacement dwelling to within the curtilage of the existing property. As the appellant declined to do so, not least as the dwelling had already been re-sited to the position shown on the amended plans, the application was refused by Members at the Planning Committee meeting of 3 November 2015. Whilst no objection was raised regarding

MONMOUTHSHIRE COUNTY COUNCIL
PLANNING SECTION

29 SEP 2016

Attn of: Ref: /

the principle of a replacement dwelling, Members considered that its siting in an elevated position in the paddock to the north and outside the curtilage of the existing dwelling would represent an overly prominent and unsympathetic form of development within the landscape that would fail to respect its setting in conflict with Policies H5 and LC5 of the adopted Monmouthshire Local Development Plan (LDP) 2014 and the guidance in the Supplementary Planning Guidance '*Policies H5 and H6 – Replacement Dwellings and Extensions to Dwellings in the Countryside*'.

Main Issue

4. Against this background, the main issue is whether the proposed siting of the development would be acceptable having regard to its effect on the character and appearance of the area.

Reasons

5. The appeal site comprises a paddock located adjacent to a modern detached dwelling known as 'Pwll-Y-Cath'. It is situated within the community of Newchurch, which is characterised predominantly by small, scattered groups of dwellings and farm buildings in rural surroundings.
6. The proposed development would result in the demolition of Pwll-Y-Cath and the re-siting of the replacement dwelling in the adjacent paddock. As the topography of the appeal site is such that it slopes downwards in a north-south direction, the replacement dwelling would be sited in a more elevated position than the existing.
7. LDP Policy H5 deals with replacement dwellings in the open countryside. It requires that *inter alia* the design of a new dwelling respects its setting and that the proposal does not require an unacceptable extension to the existing residential curtilage. The SPG adds that any replacement dwelling will be expected to be located on the site of the existing dwelling it is to replace. If any re-siting is allowed, it will be necessary to demonstrate that there is no increase in the overall visual impact of the building in the landscape.
8. LDP Policy LC5 is also concerned with the protection and enhancement of landscape character. It states that development proposals that would impact upon landscape character, as defined by LANDMAP Landscape Character Assessment, must demonstrate through a landscape assessment how landscape character has influenced the design, scale, nature and site selection. Development will be permitted where it would not have an unacceptable impact on the special character or quality of the landscape.
9. The Council has not provided me with details of the landscape character based on LANDMAP principles or any substantive evidence of any special landscape features on which it considers the development would have a harmful effect. However, the appellant states that the Planning, Design and Access Statement which accompanied the planning application addresses the landscape issues associated with the proposed development.
10. I observed that the primary landscape qualities are its landform comprising of rolling agricultural land, fields bounded by hedgerows and long range views which are punctuated by small groups of dwellings and farm buildings in an otherwise predominantly rural and verdant setting.

11. I do not dispute that the dwelling would be sited on higher ground than the existing dwelling, and that it would therefore be more prominent in the landscape. Nevertheless, whilst such a change would be evident, I do not find that its impact would be adverse. The proposed dwelling would not project significantly above the ridgeline or interrupt the skyline, but would sit against a background of mature trees / hedgerows and rising land. The excavation of the site, in part, would ensure that the dwelling would be assimilated into its surroundings. Visually, and from wider views from the south it would be screened and softened by the vegetation along the site boundaries and would be seen in the context of other scattered dwellings in the locality. The higher ground to the north would restrict any views of the dwelling from this vantage point.
12. In any event, owing to the design of the dwelling and use of natural materials including stone and timber, that which would be visible would relate satisfactorily to the surrounding landscape character that I have described. Consequently, I do not find that the siting of the dwelling would be overly prominent, inappropriate or unsympathetic, or that it would cause significant visual intrusion in the landscape.
13. I note that the replacement dwelling would be sited outside the existing curtilage of Pwll-Y-Cath. Nevertheless, the submitted drawings show that the site of the existing dwelling would revert back to pasture land. Thus, there would be no significant increase in the residential curtilage associated with the proposed dwelling over and above that of the existing, albeit the space would be reconfigured.
14. In this context, the proposal would not conflict with the aims of LDP Policies H5 or LC5 or with the spirit of the SPG to protect the landscape character and ensure that there would be no additional adverse visual impact associated with the re-siting of the building.

Conditions

15. In addition to the standard time limit and a need for the development to be completed in accordance with the amended plans, the Council has suggested conditions relating to external finishes, drainage, ecology / biodiversity, access, external lighting, landscaping, the demolition of the existing dwelling and the removal of permitted development rights.
16. I have had regard to the suggested conditions in the context of the tests outlined in Welsh Government Circular 016/2014 '*The Use of Conditions for Development Management*'.
17. Conditions requiring samples of the external finishes, details of a landscaping scheme and the withdrawal of permitted development rights are necessary to ensure a satisfactory appearance to the development.
18. Conditions relating to the construction of the vehicular access and to visibility splays are both necessary and reasonable in the interest of highway safety. A condition dealing with surface water is reasonable to ensure the satisfactory drainage of the site.
19. Conditions requiring a construction exclusion zone in relation to the existing hedgerows, the submission of details relating to an external lighting scheme and requiring the development to be carried out in accordance with the recommendations in the submitted Bat and Phase 1 Habitat Surveys are reasonable in the interests of ecology and biodiversity. However, I have omitted the suggested condition requiring

that development shall not commence until a licence has been issued pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (Amendment 2012), or until written confirmation is provided by a suitably qualified ecologist that such a licence is not necessary; the matters it seeks to control are also covered by other legislation and need not be duplicated here.

20. It is also necessary to attach a condition requiring the existing dwelling to be demolished given that the development is justified in planning policy terms as a replacement dwelling in the open countryside.

Conclusion

21. For these reasons, and having regard to all matters raised, I conclude that the appeal should be allowed.

Melissa Hall

INSPECTOR

ANNEX A

Appeal Ref: APP/E6840/A/16/3150437: Schedule of conditions subject to which planning permission is granted.

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Refs P03A Site Layout Plan, P04 Floorplans, P05 Elevations and P06B Site Sections.
- 3) The access and driveway shall be constructed of a hard surface permeable material so as to allow surface water to be disposed of within the site and to prevent any loose material from being brought on to the public highway.
- 4) Surface water from the development shall be disposed of so as not to flow on to the adjoining highway and it shall not be allowed to connect into the public highway drainage system.
- 5) A visibility splay of 2.4 metres x 40 metres measured from the centre line of the access shall be provided in each direction. Nothing which may cause an obstruction to visibility shall be placed, erected or grown in the splay.
- 6) The access shall be a minimum width of 3 metres. Gates, if provided, shall not open outwards and shall be set back a minimum of 5 metres from the highway boundary.
- 7) Prior to the commencement of development, a construction exclusion zone in the form of protective fencing such as Heras or 1.4 metre high chestnut pale or similar shall be erected along the hedgerow within the development site at a minimum distance of 3 metres from the centre line of the hedge. No storage of materials, plant, mixing of cement, bonfires, parking or vehicles or any other construction activity is allowed within the fenced off area.
- 8) No development shall take place including any demolition, ground works or site clearance until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum the:
 - a) purpose and objectives for the proposed works.
 - b) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
 - c) measures to avoid killing and injuring bats during works.
 - d) use of materials (such as timber, roofing membranes).
 - e) persons responsible for implementing the works.
 - f) positioning, size, type and location of bat roosting provision.
 - g) positioning and size of entrances of bat mitigation.
 - h) initial aftercare and long-term maintenance (where relevant).

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

9) Opportunities for the use of the proposed dwelling by roosting bats shall be incorporated into the scheme as a minimum as outlined in Section 9 'Recommendations' and Section 10 'Mitigation Plan' of the revised Bat Survey report undertaken by Merlin Bio Surveys dated February 2015.

10) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995(as amended for Wales) (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building until a lighting plan which includes low level lighting and allows dark corridors for bats has been submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the agreed details.

11) The development hereby approved shall be carried out in accordance with the wildlife protection measures outlined in the 'Measures to Protect Wildlife' section of the Phase 1 Habitat Survey report undertaken by Abbey Sanders Ecology dated November 2013.

12) Notwithstanding the provisions of Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions or alterations to the roof, porches or buildings shall be constructed or erected other than those expressly authorised by this permission.

13) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales)(or any Order revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling house other than those expressly authorised by this permission.

14) Samples of the proposed external finishes shall be submitted to and approved in writing by the local planning authority before works commence and the development shall be carried out in accordance with the agreed finishes.

15) The existing dwelling shall be demolished and removed from site no later than two months after the first occupation of the replacement dwelling.

16) Prior to the occupation of the building full details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscaping of the site shall be implemented in accordance with the approved scheme.

17) All planting, seeding or turfing comprised in the details of landscaping approved under Condition 16 shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner. 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 as may be agreed by the local planning authority.

This page is intentionally left blank

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/08/16

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04.10.16

Appeal Decision

Site visit made on 23/08/16

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

an Inspector appointed by the Welsh Ministers

Date: 04.10.16

Appeal Ref: APP/E6840/E/16/3150956

Site address: White House Farm, Llanvair Kilgeddin, Abergavenny NP7 9BB

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

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Dr Lucy Allen against the decision of Monmouthshire County Council.
- The application Ref DC/2015/00808, dated 29 June 2015, was refused by notice dated 24 November 2015.
- The works proposed are described as 'the retention of French doors to south elevation'.

Decision

1. The appeal is dismissed.

Background

2. As I understand it, listed building consent was granted for internal and external alterations to White House Farm in July 2014¹. However, the works carried out which are the subject of this appeal were not included in that consent. As such, a subsequent application was made for the retention of the unauthorised alterations to the ground floor fenestration on the principal, south facing elevation from casement windows to French doors.

Main Issue

3. The main issue is whether the works preserve the listed building, or any features of special architectural or historic interest which it possesses².

Reasons

4. White House Farm is a Grade II Listed substantial 17th Century farmhouse. Whilst the north and west sides of the house would previously have enclosed the working farmyard, the south and east elevations are more formal with views extending over the gardens and the open countryside beyond. The south elevation is described in the listing description as '*Three bay south front has 2-storey, gabled porch unusually*

¹ Listed building consent Ref DC/2014/00353 refers.

² Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

placed on the right hand (east) corner; 2-centred entrance with ornamental cement render surround; roll-moulded and chamfered c17 door case with recessed, original 4-centred arch door and trap work hinges. Cambered headed windows with renewed casement glazing.'

5. The works that have been carried out involve the removal of the cills and the elongation of the window openings to accommodate French doors at ground floor. The appellant contends that the window openings in the south elevation are not of original form and that the insertion of the doors has caused no damage to the historic fabric or the character of the building.
6. The appellant's historic building survey identifies that the building was constructed in four phases; the part of the building in which the French doors are situated is the main range constructed in the first phase. It states that the gabled entrance porch on the south elevation of the main range is a later addition. It also identifies that the majority of the windows have been replaced with modern casement windows and that the stone construction of the external elevations is covered in 20th Century sand cement render.
7. I therefore accept that the building has undergone a number of changes over the years. I do not disagree that the partial removal of cement render, revealing a late brick infill directly below the ground floor casement windows, would appear to suggest that the windows may have been altered previously. It is thus possible that they may also have been of a different style originally.
8. However, much remains of the building's original form and fabric and many of the later additions are, in themselves, features of interest. The design and proportions of the windows on the south elevation of the building contribute to its special historic and architectural interest and its significance as a heritage asset.
9. Annex D of Welsh Office Circular 61/96 '*Planning and the Historic Environment: Historic Buildings and Conservation Areas*' advises that alterations should be based on a proper understanding of the structure. The appendix to Annex D of the Circular provides further guidance on detailed alterations. It states that door and window openings should not generally be altered in their proportions or details. It adds that windows form one of the most significant constructional elements of any building, and their style and proportion vitally affect the character and appearance of elevations.
10. The appellant's heritage assessment identifies that the removal of the cement render revealed the fabric of the south elevation, and included evidence of 20th Century brick infill below the existing ground floor windows suggesting that they had been inserted into larger stone openings. On this basis, the assessment states that '*at some point it is possible that the openings were indeed doors leading into the parlour and inner room*'.
11. However, whilst the openings may have been larger, there is no substantive evidence of investigation work which confirms the presence of doorways on the south elevation. Thus, the appellant's evidence is not compelling in this regard.
12. Rather, on the basis of that which is before me, I agree with the Council that the introduction of French doors is not characteristic of this building and that the change is therefore a subjective interpretation of what may have been there at a point in time prior to the date of listing.

13. In any event, the Circular also advises that, '*generally, later features of interest should not be removed in order to restore a building to its earlier form*'; whilst the addition of the porch in the late 17th Century may have re-ordered the entrance and made the openings to the parlour and inner room redundant, these are important changes in the architectural history of the building which may have resulted in the formation of the smaller window openings that are part of the distinctive character of the south elevation.
14. In my view, the alteration to the proportions of the window openings significantly alters the solid to void ratio. Whereas the former arrangement was simple and understated with a degree of uniformity, the French doors dominate to the extent that they contrast greatly with this rhythm. The introduction of design features which are not characteristic of the principal front elevation significantly alters its appearance. Internally, the doors alter the plan form and arrangement of spaces to the detriment of the character of the principal elevation incorporating the main entrance to the building.
15. In this regard, I also note the concerns of Cadw that the French doors fail to preserve the special architectural and historic interest of the building. I am also aware of the views of the Society for the Protection of Ancient Buildings and the Georgian Group that the works detract from the significance of the house and the main entrance.
16. In this context, the alteration of the window openings in both proportion and detail, and the insertion of French doors, do not represent sympathetic conservation of a vernacular building which is a fine example of its type. For these reasons, the works fail to preserve the special interest of the listed building contrary to the requirements of Section 16(2) of the Act. The works also conflict with the advice in Circular 61/96 and with Planning Policy Wales which seeks to protect heritage assets and conserve historic buildings.
17. I do not dispute that the brick infill below the window openings may have been poorly constructed leading to water ingress and subsequent failure of the sand cement render. Even so, this does not justify the insertion of an entirely different size of opening and window design. Neither am I convinced that the problem could not be resolved by a less harmful intervention.
18. I also note the appellant's contention that the visual impact is minimal as the doors are, in part, obscured by the garden wall. However, listed buildings should be safeguarded for their inherent architectural and historic interest irrespective of whether or not wider views of the building can be gained.

Conclusion

19. The works that have taken place have caused significant harm to the historic character and special interest of the listed building. I also conclude that the benefits of the works do not outweigh the harm I have identified. In view of the special regard to be given to the desirability of preserving the listed building, these are conclusions that carry considerable weight against the grant of listed building consent. The appeal is therefore dismissed.

Melissa Hall

INSPECTOR



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Agenda Item 6c

Adeilad y Goron,
Parc Cathays, Caerdydd, CF10 3NQ Ffôn/tel: 029 20 821583
Epost/email: Wales@pins.gsi.gov.uk

Crown Buildings,
Cathays Park,
Cardiff, CF10 3NQ

www.gov.wales/topics/planning

Eich Cyf/Your Ref: DC/2015/01322
Ein Cyf/Our Ref: APP/E6840/A/16/3154248

Planning Officer
Monmouthshire County Council
Planning Section
County Hall
Rhadyr
Usk
NP15 1GA

18 October 2016

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by C/O Agent Priory Group
Site Address: Mona Hawk Barn, Hazeldene, Mitchel Troy Common,
Monmouthshire, NP25 4JB

I enclose for your information a copy of a letter received withdrawing the above appeal.

I confirm no further action will be taken.

Yours sincerely,

Philip Thompson
Philip Thompson

Rydym yn Croesawu Gohebiaeth yn Gymraeg a Saesneg

We Welcome Communications in Welsh and English

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

This page is intentionally left blank

Appeals - Detail Report

Report Parameters: New Appeals

Report Requested By:	
Report Date:	21-Oct-2016 at 14:41
Sort Sequence:	

Total Applications Found:	1
----------------------------------	---

Planning Objects Associated to Appeal

Associated Planning Objects:

Object	Linked	UniqueReference	Description	Type
--------	--------	-----------------	-------------	------

Appeal Details

Local Reference:	DC/2014/00902	DOE Reference 2:	/16/3158353
DOE Reference 1:	E6840/A		
Appeal Type:	Written Representation		
Appeal Application Type:			
Reason For Appeal:	Against a Refusal		
Appeal Received Date:	05-Oct-2016		
Appeal Description:	Construction of two storey self-contained dwelling and creation of new vehicular/pedestrian access.		
Site Address:	Land adjoining Old Coach House Llanishen Chepstow NP16 6QH		

Appeal Decisions

Appeal Decision Type:	
Appeal Decision Text:	
Appeal Decision Qualifier:	
Appeal Decision Level:	
Appeal Legal Agreement:	N
Date Signed:	
Appeal Decision Date:	

Appeal Conditions

Type:	No:	Text	Effect Date:	Deact. Date:
--------------	------------	-------------	---------------------	---------------------

Appeal Decision History

Status:	Decision Type:	Dec. Date:
----------------	-----------------------	-------------------

Other Details / Audit

Team: DC Case Officers	Officers Name: Craig O'Connor		
Telephone Number: 01633 644849	Fax Number:	E-Mail Address: craig'o'connor@monmouthshire.gov.uk	
Unclear Plans: N	No Plans Available: N	Major/Key Proposal: N	
Unclear Records: N	No Plans: N	Private Road: N	
Created On: 05-Oct-2016	Created By: BAILEYL	Updated On: 05-Oct-2016	Updated By: KEECHM
Data Source:	Import Block: N	Checked: N	Deactivated Date:

Notes:

Note ID:					
User Group:	CON29 Question:				
Summary:					
Text:					
Create On:	Created By:				
Updated On:	Updated By:				
Deactivated Date:	Checked:				
Links:					
Local Reference:	Checked:	Created On:	Created By:	Updated On:	Updated By:

End

This page is intentionally left blank