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County Hall
Rhadyr
Usk
NP15 1GA

Friday 30th December 2016

Notice of meeting:

Planning Committee

Tuesday, 10th January, 2017 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 24
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2013/00571 - OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS, FOR UP TO 200 DWELLINGS. LAND TO THE WEST OF A466 AND SOUTH OF MOUNTON ROAD, CHEPSTOW.	25 - 46
4.2.	APPLICATION DC/2015/00972 - CONSTRUCTION OF 8 DWELLINGS (3 AFFORDABLE UNITS AND 5 MARKET HOUSES). LAND ADJACENT TO WALNUT TREE COTTAGE, NEWPORT ROAD, LLANGYBI.	47 - 60
4.3.	APPLICATION DC/2015/01588 - CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 2 NO. DWELLINGS. THE OLD SMITHY, 34 MARYPORT STREET, USK, NP15 1AE.	61 - 74
4.4.	APPLICATION - DC/2016/00287 AN EXTENSION TO BEAULIEU BARN TO PROVIDE A SUITABLE INTERNAL VOLUME TO PROVIDE FOR A MODERN STANDARD OF RESIDENTIAL LIVING ACCOMMODATION. BEAULIEU BARN, 25 KYMIN ROAD, THE KYMIN, MONMOUTH, NP25 3SD.	75 - 82

4.5.	APPLICATION DC/2016/00322 - CONSTRUCTION OF UNIT 6 (BEING FINAL STAGE OF OVERALL DEVELOPMENT SCHEME FOR THE RETENTION OF EXISTING BUILDERS YARD AND REPLACEMENT OF EXISTING BUILDINGS - DC/2013/00367) COMPRISING DETACHED SINGLE STOREY UNIT (12.6M X 11.1M X 4M TO EAVES). THE BUILDERS YARD, CHEPSTOW ROAD, USK, NP15 1HN.	83 - 88
4.6.	APPLICATION DC/2016/00388 - CONVERSION OF A REDUNDANT FARM BUILDING INTO ANCILLARY RESIDENTIAL ACCOMMODATION. MILL FARM, DINGESTOW, NP25 4DY.	89 - 92
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Appeal decision - Caxton Tower.	93 - 96
5.2.	Appeal Decision - Chapel Road, Abergavenny.	97 - 98
5.3.	Appeal decision - The Old Coach House, Llanishen.	99 - 102

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

Public Information

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

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

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Welsh Language

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

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

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

People Are Confident, Capable and Involved

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

Our County Thrives

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

Our priorities

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

Our Values

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

Purpose

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

Decision-making

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

Main policy context

The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

Policy DES1 – General Design Considerations

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

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;
- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and

spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (adopted March 2016)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)

National Planning Policy

The following national planning policy may also be of relevance to decision-making as a material planning consideration:

- Planning Policy Wales (PPW) 11 2016
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)

- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

The following other legislation may be of relevance to decision-making.

Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

Conservation of Species & Habitat Regulations 2010

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned by a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;
- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its

area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application.

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

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

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

- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th
December, 2016 at 2.00 pm

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

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

County Councillors V. Smith, E.J. Hacket Pain, J. Prosser and F
Taylor attended the meeting by invitation of the Chair.

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Paula Clarke	Planning Applications and Enforcement Manager
Mark Davies	Traffic and Development Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

APOLOGIES:

Councillors D. Blakebrough, B. Hayward and P. Watts

1. Declarations of Interest

There were no declarations of Interest made by Members.

2. Confirmation of minutes.

The minutes of the Planning Committee meeting dated 1st November 2016 were confirmed and signed by the Chairman.

3. APPLICATION DC/2012/00754 - PROPOSED DEMOLITION OF EXISTING VICARAGE AND THE CONSTRUCTION OF A NEW VICARAGE AND DEVELOPMENT OF 11 NEW HOUSES INCLUDING FOUR UNITS OF AFFORDABLE HOUSING - AMENDED SCHEME FEATURING REVISED PARKING ARRANGEMENT, REVISED ELEVATIONS, REVISED ECOLOGICAL ASSESSMENT, STRUCTURAL ENGINEER'S REPORT AND GROUND INVESTIGATION (CONTAMINATION) REPORT. 38 HILLCREST ROAD, WYESHAM, MONMOUTH, NP25 3LH

We considered the application and late correspondence, which was recommended for approval subject to the 13 conditions and subject to a Section 106 Agreement to secure four units of affordable housing on site.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 6th December, 2016 at 2.00 pm

The Planning Committee was informed that the application was a long standing proposal that had been deferred by the Committee on 5th November 2013 to allow officers to liaise with the applicant regarding amendments to the design of the houses, parking provision to comply with the Council's adopted guidelines, to obtain the observations of Highways, to receive a contamination report and a report on the stability of the land.

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

- The residents of Wyesham have expressed their concerns in respect of the application.
- A petition of 278 signatures had been received regarding the application.
- There are three concerns but the greatest is the contamination on the site. Tests have been undertaken and the specialist environmental officer recommended additional sampling.
- The tests have indicated a variety of pollutants but the main findings are benzopyrene, asbestos and made up soil.
- Welsh Government guidelines for benzopyrene is 5mg per kilogramme. The results indicate 6.06mg per kilogramme.
- Over a period of years there is evidence that tipping had occurred on the site. It was common practice for this to occur involving the tipping of hazardous material across the whole of the site.
- The site had been used as a holding by for the Council when building the replacement prefabs.
- The proposal is to build over the most polluted area of the site. There will be a membrane placed over the site and topped with topsoil. The deeds to the properties will have a note attached making owners aware of this matter. This is of no reassurance to residents.
- Subsidence has occurred on one side of the site. Some residents have experienced movement in their gardens and garages.
- Residents are not reassured by the engineer's proposals.
- There are concerns about the new road and access onto Hillcrest Road.
- The local Member asked the Committee to consider deferral of the application until further tests have been undertaken.
- Further investigation is required as well as a full remediation strategy.

MONMOUTHSHIRE COUNTY COUNCIL

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Councillor S. Wilson, representing Monmouth Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- The Town Council Planning Committee, several years ago, voted for refusal and the reasons are identified in the outline report.
- As a Town Councillor for this area, Councillor Wilson has been asked to speak on behalf of local people as some wanted to make a certain level of support for the development.
- The petition gave a general feel that everyone was against the development and some residents considered that that was not the case.
- The concerns are of the people who are opposed to the development and the reasons for people supporting it refer to the same issue of contamination of the site.
- Both supporters and objectors of the development want to see the correct conditions applied to the development for sufficient testing and precautions taken when intervening on the development itself.
- Supporters say that the site is contaminated, is not going to improve and is being used as a site for illegal tipping. Children could easily access this dangerous site. Therefore, the supporters see the housing development as a potential way of solving the issues mentioned regarding the site.
- With regard to access to the site, the Town Council considers that any construction management plan would have to make it clear how the development is safely accessed.

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

- There are strict conditions attached to the application which address the issues raised.
- Concern was expressed regarding the contamination of the site. However, the Development Services Manager stated that condition 10 refers to a full remediation strategy being required. However, for the level of assessment required for the planning application, officers are aware of the risk and that it can be managed subject to mitigation.
- As more mitigation was required regarding the site it was considered that the application could be deferred until the required tests have been undertaken. The Head of Planning, Housing and Place Shaping stated that such a requirement would not be reasonable as the applicant would be expected to spend a considerable amount of money with no certainty that they will receive consent for

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residential development. The conditions within the application would control the concerns raised in respect of contamination.

The Local Member summed up by asking the Planning Committee to consider deferral of the application to allow the remedial strategy to be put in place.

It was proposed by County Councillor R. Harris and seconded by County Councillor R. Chapman that we be minded to defer consideration of application DC/2012/00754 to allow further contamination testing to be undertaken.

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

For deferral	-	2
Against deferral	-	11
Abstentions	-	0

The proposition was not carried.

It was proposed by County Councillor P. Murphy and seconded by County Councillor A. Webb that application DC/2012/00754 be approved subject to the 13 conditions and subject to a Section 106 Agreement to secure four units of affordable housing on site.

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

For approval	-	11
Against approval	-	0
Abstentions	-	2

The proposition was carried.

We resolved that application DC/2012/00754 be approved subject to the 13 conditions and subject to a Section 106 Agreement to secure four units of affordable housing on site.

4. APPLICATION DC/2016/00287 - AN EXTENSION TO BEAULIEU BARN TO PROVIDE A SUITABLE INTERNAL VOLUME TO PROVIDE FOR A MODERN STANDARD OF RESIDENTIAL LIVING ACCOMMODATION. BEAULIEU BARN, 25 KYMIN ROAD, THE KYMIN, MONMOUTH, NP25 3SD

County Councillor R.J. Higginson left the meeting before this application was determined and did not return.

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

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

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- The applicant had provided the Planning Committee with a precis of the last ten years planning history in respect of this site.
- The property is small and very cramped inside resulting in difficult living conditions.
- Planning policies that have been applied to this application and the site have not been consistent.
- The barn conversion was originally granted on 2006. It stated in that policy that it must be capable of providing adequate living space.
- There was no definition in the Unitary Development Plan (UDP) that it would indicate that the acceptable internal volume for modern living standards would be considered to be 250 cubic metres. As it currently stands, Beaulieu Barn stands at 187 cubic metres. Therefore, did not adhere to that policy when approval was granted.
- There was pre-planning advice given which didn't seem to match with the various policies.
- A common sense approach needed to be taken with regard to this application so that the applicant can have a home that is big enough to live in.
- There are no objections from the community.
- The Planning Committee was asked to consider approval of the application.

Mr. D. Edge, supporting the application, attended the meeting by invitation of the Chair and outlined the following points:

- Local residents do not object to the application.
- Some residents have supported the application in writing.
- Monmouth Town Council support the application.
- The property is undeniably small and comes with a range of issues. There is one living area with a sink and an oven. Whereas, the other half of the kitchen has a lean to extension. The preparation and storage areas are in a separate room. In between the two halves of the kitchen there is access to a bathroom.
- Common sense states that this is an unsanitary arrangement.
- The property is not clearly visible. There is a traditional country hedge surrounding the property and is moderately well screened.

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- The extension will lie to the west away from the public footpath.
- The 86% increase in size is small in reality due to the current size of the property.
- Local people are comfortable with the proposed extension.
- A flexible, common sense approach needed to be taken in respect of this application.

The Head of Planning, Housing and Place Shaping stated that there are no inconsistencies in the planning policies and decisions made have been consistent. The increase in size of the proposed property does not justify going against planning policy and decisions should be made in accordance with the Local Development Plan (LDP).

Having considered the report of the application and the views expressed, some Members accepted that the application was contrary to planning policy but agreed with the representations made by the local Member and the supporter of the application in that the existing living standards were unacceptable. Approval of the application would result in the property still being a small dwelling but would provide better living standards for the applicant.

However, other Members expressed concern that approval of the application would be going against planning policy and supported the officers' recommendation to refuse the application.

The local Member summed up by stating that a common sense approach would be to approve the application as the increase in the size of the development would be modest.

It was proposed by County Councillor A. Wintle and seconded by County Councillor R. Harris that application DC/2016/00287 be refused for the three reasons, as outlined in the report.

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

For refusal	-	4
Against refusal	-	8
Abstentions	-	0

The proposition was not carried.

We therefore resolved that we be minded to approve application DC/2016/00287 and that it be re-presented to the next Planning Committee meeting for approval with appropriate conditions.

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5. APPLICATION DC/2016/00895 - THE CONSTRUCTION OF A NEW SUPERMARKET AND ASSOCIATED CAR PARK AND LANDSCAPING. ABERGAVENNY CATTLE MARKET, LION STREET, ABERGAVENNY, NP7 5TR

County Councillor D. Evans left the meeting before this application was considered and did not return.

We considered the application and late correspondence, which was recommended for approval subject to the 25 conditions, and subject to the revised S106 Agreement covering previous requirements, as outlined in the report.

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

- Having undertaken surveys in his ward there has been considerable community pressure for the application to be determined in favour of the development taking place.
- A local resident has asked that a bus stop be located near to the proposed supermarket.
- The local Member has sympathy with the representations made by Abergavenny cycle group and had indicated his support. It was considered that a new way of looking at cycleways in Abergavenny town was required.
- Abergavenny Transition Town – The local Member would encourage the Applicant to use local suppliers wherever possible.
- Abergavenny Civic Society has submitted representations.
- Overall, the local Member supports the application but would encourage the applicant to engage with local societies to address any outstanding concerns.

Councillor C. Woodhouse, representing Abergavenny Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- It has been 12 years since tenders were opened for the development of the Market Site.
- It is estimated that in this twelve year period, each year £20M of Abergavenny money has been spent out of town.
- The Town Council had recently voted in favour of this application. However, some amendments are requested, namely:
 - The throughway between Lion Street and Market Street needs to be visible to encourage people to shop at the supermarket and also within the town.

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- The blank walls of the proposed development could be adorned with a mural indicating the Abergavenny Food Festival, the Cycling Festival and the Steam Rally, for example, to show a sense of belonging to the people of Abergavenny.
- Abergavenny could help to part finance this with the Applicant and partners.
- The use of more stone would brighten up the development and make it look more rural.
- The Active Travel Act – The Cycle Group would like to see the walkway on the western side of the development to be a joint space.
- The Town Council has concerns regarding the crossing on Park Road and considers that this needed to be made safer.
- There is a need to have a pre-Morrison's and post Morrison's traffic assessment so that the repercussions of the proposed development may be identified.

Mr. P. Hannay, Chair of the Abergavenny Transition Town, representing various objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

The objectors would like to see the following firm conditions put on this application:

- There should be a cast-iron condition that the scheme will be made to comply with best practice of the legally binding Active Travel Act 2013. Currently, as the Abergavenny Cycle group and Sustrans submission shows, it doesn't comply. They recommend improvements to routes across the site and the new A40 road junction. Their advice should be heeded.
- In the light of the above, the applicant needs to re-think both the width, geometry, and surfacing of the two current north –south new pedestrian routes on the site, to eliminate the curvilinear one, and to give preference to a primary 4 metre wide pedestrian route connecting the end of Market Street and the town centre to Bailey Park and the Fairfield, along the edge of the supermarket. This should be the principal route for all non-car users. This should visually organise the site, not the car-runs of the car park and it should ideally be tree-lined.
- The hard surfacing strategy of the whole site and its material vocabulary is confused and contradictory. The strategy should take its cue from the high quality design investment of 'Brewery Yard' opposite the site and be executed the length of Lion Street as well.
- The Lion Street site perimeter should become fully permeable to pedestrians opposite the Brewery yard entrance to maximise pedestrian travel between the rest of the town and the site.

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- The Planning Committee should demand the re-instatement of the 20% non-food retail limit which has been swept away in the Evaluation - paragraph 5.1.5, even though Monmouthshire County Council policy states in 4.1.10 that it should be kept. 'Retailing is about competition', states the officer's report. There is no updated retail impact report and yet the officer claims there is no evidence to suggest that the town centre is vulnerable. Not a thought is given either, to food traders in the Market Hall. The 20% limit should be re-instated.
- The form and material of the buildings require a rethink. The very poor embodied energy performance of the buildings materials and the lack of renewable energy components, as would be expected by Welsh Government, should be replaced by a timber-framed and timber-clad, pitched roof, urban 'Market Hall'. The Market Town of Brecon as an aspiration could be a benchmark.

The objectors' actual evidence to back all this is as follows:

Welsh Government Highways who approved the earlier road scheme and the current one, says in paragraph 4.1.2 - quote "the applicant is looking at issues relating to the Active Travel Act". Looking at, is not good enough. Please act on the best advice.

The Design Access statement 29th July 2016 states "Hard materials detailing of footpath surfaces, will match those of the Brewery Yard Development". This changes in the later D+A statement 11th November to "will match those of Market Street" : Market street is not a priority pedestrian route in a car park. Brewery Yard is. That should be replicated.

Transport, Policy S1 of the LDP includes:

"Reducing the need to travel, especially by car;"
"Promoting public transport, walking and cycling;"
"Minimising the adverse effects of parking;"

The applicant's transport consultants state "It shows that the majority of Abergavenny is accessible within a maximum two kilometre walking distance, thus providing a great opportunity for both staff and customers to walk to the store." It says positive precise things about cycling too.

However, what is actually offered is an out-of-town suburban shed serviced by a car park completely undermining that policy. There is no hard landscaping detailed plan submitted with pedestrian priority, only a soft landscaping plan. The current condition no 7 regarding this issue, is 'flabby'. The visuals submitted in the applicant's November D+A statement, show tarmac and zebra crossings in a car park.

Finally, this is a once in a lifetime opportunity to make the largest new building in Abergavenny probably for a century, live up to the majesty of the Market Hall and Town Hall, the Chapel in Market Street, and the finely composed domestic and working buildings of Market, Lion and Monk Street that surround this site. The Planning Committee has a chance to do the right thing. Please heed these bodies' advice and impose these conditions.

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The Applicant's agent, Mr. C. Creighton, attending the meeting by invitation of the Chair, outlined the following points:

- Morrison's wants to be a part of a very successful wider town centre.
- The applicant has looked at how this new store will fit into Abergavenny in terms of scale, linkages, traffic and design.
- In terms of scale, the store has been designed to be able to compete with large out of town supermarkets that are taking trade away from Abergavenny but also has to be of an appropriate size for the site, the population of the town and its catchment.
- What is being proposed is slightly smaller than the Waitrose store but about twice the size of the Tesco store.
- A centrally located, well linked food store can strengthen a town centre by providing new customers and increase footfall to existing businesses.
- In terms of linkages the north / south route through the site has been retained with significant tree planting.
- There will be a three way crossing over the Park Road crossing.
- Cycle provision has been looked at and discussions have been held with the Welsh Assembly with a view to providing safe cycling lanes. Details of this will be available in the Section 278 Agreement to be signed with the Welsh Assembly.
- The applicant wants to encourage people who come to the store to also visit local shops and services within the town centre.
- The development provides 233 new centrally located parking spaces.
- The design of the development is a clean crisp contemporary building with significantly more glazing than on the previous application, allowing visitors to connect visually with Abergavenny.
- The store has a feature entrance using some of the stone reclaimed from the demolition of the old buildings from the cattle market.
- The scheme presented to Planning Committee satisfies all policies, provides a deliverable scheme that will provide an attractive well designed new food store of which Morrison's and Abergavenny can be proud.

A Planning Committee Member representing a ward in Abergavenny Town outlined the following points against the application:

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- Endorsed the views expressed by the Chair of Abergavenny Transition Town with regard to the conditions outlined.
- The store is an out of town store.
- It has taken 12.5 years to reach this application stage.
- Many people in Abergavenny are against this development.
- Abergavenny now has three supermarkets located within the town.
- A condition regarding the percentage of non food and food needs to be added to ensure the correct mix and to avoid creating a detrimental effect to businesses in the town, if the application is approved.
- Cannot support a café located within these premises. There are seven different eating establishments located close to the proposed store.
- There is a need to see traffic improvements to Park Road with a view to this road being able to cope with increasing traffic.
- Section 106 Agreement – There was a need to undertake a proper development of Lion Street.
- Valuable suggestions have been made by the Civic Society and Abergavenny Transition Town which should be heeded.

Other Planning Committee Members representing wards in or close to Abergavenny Town outlined the following points in favour of the application:

- The town has grown in recent years and residents have been asking for a superstore to be located within the town for a number of years.
- Walking into the Town from the various car parks in Abergavenny has occurred for many years. The development, if approved, will not hinder this process.
- The proposed development will be a great asset for the Town and encourage local people to shop in the town rather than go elsewhere.
- Morrison's has chosen to invest in Abergavenny which is a good accolade for the town and for Monmouthshire.

In response to questions raised, the Head of Planning, Housing and Place Shaping stated that:

- The Active Travel Act complies in terms of the junction. Welsh Government will be providing approval for the trunk road improvements.

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- With regard to the North / South link, officers are working with the applicant to ascertain whether it may be three metres in width.
- Energy performance will be addressed via building regulations.
- A 20% food retail limit has not been recommended by officers as the site is a town centre location and therefore would not be looking to restrict retail use within the town centre. Within a town centre the Authority cannot look at issues of competition.
- Section 106 clarification – Parking at the superstore would be controlled by the Authority via a Section 106 Agreement and would adhere to the terms and conditions of the County Council's car parks.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2016/00895 be approved subject to the 25 conditions, and subject to the revised S106 Agreement covering previous requirements, as outlined in the report.

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

For approval	-	10
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2016/00895 be approved subject to the 25 conditions, and subject to the revised S106 Agreement covering previous requirements, as outlined in the report.

Note:

At the end of the meeting the Head of Planning, Housing and Place Shaping provided the Committee with the following information:

As drafted, the opening hours condition for Sundays would be illegal due to Sunday trading laws. The store could only open for six hours between 10.00am and 6.00pm. The condition to reflect the allowed band will be amended accordingly, but there is no need to specify a six hour slot as that is covered by other legislation. Similarly, there is no need to refer to Christmas Day or Easter Day as other legislation covers that.

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6. APPLICATION DC/2016/00921 - CONSTRUCTION OF TWO SINGLE STOREY DWELLINGS, NEW ACCESS AND PARKING AREA. LAND ADJACENT TO MANOR FARM, ROGIET

We considered the application and late correspondence, which was recommended for approval subject to the eight conditions, and also subject to a Section 106 Agreement for a financial contribution to be used towards the provision of affordable housing in the local area, as outlined in the report.

Ms. R. Collett, objecting to the application, attended the meeting by invitation of the Chair and outlined the following points:

- This is a high level summary of the very detailed objections by 11 residents of Monmouthshire.
- This application deals with the environs of a grade II* listed church and the associated important public right of way between a green open space / playing fields and the grade II* listed church.
- A grade II* listed church forms part of the top 8% of listed buildings in the Country. This site is significant historically, culturally and as a village amenity.
- The reason for listing is integrally linked to the manor farm complex and environs. Details as follows:
 - Part of a complex comprising of the farmhouse, farmyard and farm buildings of Manor House Farm and St Mary's church and churchyard. Group value with neighbouring listed items at Manor House Farm.
- Overall multiple planning application and proposals including the sub division of existing houses at this Manor Farm complex make for a considerably more sprawling and densely urbanised area than is warranted for this semi-rural setting.
- There are now five dwellings on the site. The proposed bungalows will increase this to seven dwellings, and the conversion of the second barn leading to potentially several more dwellings. This is approaching 9 / 10 residences and in the original LDP deposit plan the planning team turned down this site as being unsuitable for this number of houses.
- In respect of the National Planning Policy Framework the objector has concerns under chapters 7 and 12 over: density, landscape and making places look better for people who live in Rogiet and frequent the right of way. The density of the proposal requires considerable parking provision. For example, assuming there are 10 dwellings, it is estimated that provisioning for 30 cars will be necessary. This will inevitably destroy green space and detract from the setting of the listed buildings. Accordingly, reduced housing density from the current proposal seems appropriate.

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- The associated vehicular deliveries / waste bins / washing lines etc, the basics of human habitation in such a densely packed, low privacy application will be extremely visible to users of the public right of way between the Church and green open space / playing fields and will detract from residents' enjoyment of these village amenities.
- The objectors believe phase 2 of this development will set a very poor precedent for phase 3.
- The planning and conservation approach on this site has been referred to the County Council's Scrutiny Manager and have written to Cadw directly.
- The recommendation of residents is that the application is either refused or deferred until matters of process and further consultation by residents directly with Cadw is completed.

The applicant, Mr. N. Park, attended the meeting by invitation of the Chair and outlined the following points:

- The applicant's family owns the site and are looking to make it a more suitable site than currently exists.
- The site is currently inappropriate.
- The buildings are listed and the applicant would like to look after them through this development.
- Approval of the application will ensure that the site will be more suited as a long term residential site.

Having considered that report of the application and the views expressed, some Members considered that the proposed bungalows, in terms of fitting in with the holiday cottages that have been converted on the site, it was considered that there were no grounds on which the application should be refused.

One Member considered that the design was bold and appropriate for 21st Century living.

However, some Members considered that it was a very good site and there were no issues in erecting two bungalows at this location but the design could be better than proposed.

It was therefore proposed that application DC/2016/00921 be approved subject to the eight conditions, and also subject to a Section 106 Agreement for a financial contribution to be used towards the provision of affordable housing in the local area, as outlined in the report.

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

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For approval	-	8
Against approval	-	2
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2016/00921 be approved subject to the eight conditions, and also subject to a Section 106 Agreement for a financial contribution to be used towards the provision of affordable housing in the local area, as outlined in the report.

7. APPLICATION DC/2016/00297 - A FOUR PLOT GYPSY SITE EACH PLOT HAVING SPACE FOR A MOBILE HOME, TOURING CARAVAN, UTILITY BUILDING AND PARKING SPACE NEW STABLES, ABERGAVENNY ROAD, LLANCAYO

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

The local Member for Llanbadoc, attending the meeting by invitation of the Chair, outlined the following points on behalf of herself and local neighbours.

The following points were noted:

The residents' comments:

- Residents have been concerned by the lack of regard shown for all the legislation and procedures that home owners are expected to abide by.
- Having read the Planning Authority's report, residents support the recommendation for refusal of planning permission.
- The report highlights all of the contraventions of policies and legislation that this application is proposing.
- If the Planning Committee decides to refuse planning permission, residents have requested that the occupants should return the plot to its former state as agricultural land and a timescale be implemented to do so. Residents are concerned that this process might take considerable time.
- Residents are concerned that the occupants might ignore any instruction that the Authority provides and might continue to inhabit the site. Evidence of this has continued for some time that the occupants have had a disregard for planning procedure.
- Residents have asked the following questions:

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- Will the Authority insist that the land be returned to its former state?
- What timescale will be given to complete these works?
- How will these conditions be policed?

The local Member's Comments:

- This is a retrospective application which does not comply with Monmouthshire's Local Development Plan.
- It seeks to circumvent the normal development process.
- Regrets the time it has taken to receive an application.
- What is proposed is inappropriate to Llancayo, an area of unspoilt Monmouthshire landscape.
- Confident that officers have undertaken all of the necessary assessments of circumstances relevant to the application.
- It is a very comprehensive report.
- If the Planning Committee decides to refuse the application, it is important that conditions are put in place to return the land to its former agricultural condition within an appropriate time scale. Also, to ensure the works are properly undertaken.
- The site is inappropriate for development and asks that the Planning Committee considers refusing the application.

Councillor M. Goodwin, representing Gwehelog Community Council, attended the meeting by invitation of the Chair and outlined the following points:

Gwehelog Community Council recommends that the application be refused on the following grounds:

- Policy LC1 – New build in the open countryside – There is a presumption against new build development in the open countryside unless justified under the national planning policy.
- The planning application is a development in the open countryside which goes against the Local Development Plan.
- Reference point 6.1.2.5 – provides a frame work for assessing proposals for Gypsy, Traveller and Travelling Show People where for permanent, transient or emergency use. Within that, Policy H8 states that the site should not occupy a prominent location and should be consistent with Local Development Plan Policies for protecting and enhancing the character of the local landscape.
- Therefore, approval of the application would go against Planning Policies.

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- If the application were approved, it would set a precedent for further development within the Local Development Plan.
- The Local Development Plan forms the basis for making rational and consistent planning decisions.
- Gwehelog Community Council had therefore recommended refusal of the application.

Ms. A. Morgan-Andrews, representing the applicant, attended the meeting by invitation of the Chair, and outlined the following points:

- The Housing Act Wales 2014 puts a duty on local Authorities to both assess Gypsy / Traveller accommodation needs and provide culturally appropriate accommodation.
- The applicants are Gypsy / Travellers. They have a culture and tradition that is unique to their ethnicity and they are regarded as an ethnic minority under race relations legislation.
- Under this act there are over 300 plots needed throughout the whole of Wales.
- There is a distinct shortage of Gypsy sites in the whole of Wales and the UK.
- The Welsh Government had decided to put an obligation on local authorities to enforce the provision of new sites.
- In 20 years, only one site has been built for Gypsies and Travellers in Wales.
- Conditions could be put onto the application to ensure that the site would meet the criteria that is required. The flood zone could be left undeveloped and access could be changed. There could a septic tank installed instead of having a cesspit.
- The applicants do not have anywhere culturally to live.
- Due to racial discrimination, it is often difficult or Gypsies and Travellers to find somewhere to live.
- The 2015 GTA & A that was presented by Monmouthshire County Council to the Local Development Plan established a need for at least eight further permanent residential pitches by 2021. Therefore, there is a need for plots for Gypsies and Travellers in Monmouthshire.

Having considered the report of the application and the views expressed, Members agreed that there was a need to provide sites for Gypsies and Travellers within the County. However, it was noted that there was a need to agree provision and to undergo

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a process of identifying appropriate sites via the Local Development Plan. This matter needed to be addressed in the next Local Development Plan.

However, with regard to this application, Members considered that the application did not comply with planning policy. It was therefore proposed by County Councillor A. Wintle and seconded by County Councillor D. Edwards that application DC/2016/00297 be refused for the four reasons, as outlined in the report.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DC/2016/00297 be refused for the four reasons, as outlined in the report.

8. APPLICATION DC/2015/01588 - CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 2 NO. DWELLINGS. THE OLD SMITHY, 34 MARYPORT STREET, USK, NP15 1AE

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

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

- The provision of two dwellings is inappropriate at this location.
- Existing parking provision is very limited. Any off street parking tends to be unavailable all day.
- There has been a road traffic accident fatality located near to the property. Highway safety is an issue at this location.
- The Highways Department has objected to the application.
- The Heritage Officer has referred to the kitchen window of number 32 Maryport Street. Approval of the application will greatly reduce the light entering this window.
- When the extension is completed, the view will be of a brick / rendered wall.
- Usk Town Council is opposed to the application.

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- Residents throughout Usk are opposed to the application.
- There is room for a building at this location but it has to be the correct building which will satisfy the needs of the neighbouring properties.
- The local Member stated that he will be proposing that the application be refused.

It was considered that the application could be deferred to allow discussion with the applicant to reduce the number of proposed dwellings from two to one. However, it was noted that the applicant wanted to build two dwellings at this location.

Members discussed the 1.2m fence, as indicated in the report. However, the Head of Planning, Housing and Place Shaping informed the Committee that the applicant could erect a 2 metre high fence at this location under permitted development rights.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor B. Strong and seconded by County Councillor A. Webb that we be minded to refuse application DC/2015/01588 owing to the overdevelopment of the site for two houses leading to an unacceptable impact on street parking. The report to be re-presented to the next Planning Committee Meeting for consideration with appropriate reasons for refusal.

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

For refusal	-	10
Against refusal	-	0
Abstentions	-	1

The proposition was carried.

We resolved that we be minded to refuse application DC/2015/01588 owing to the overdevelopment of the site for two houses leading to an unacceptable impact on street parking. The report to be re-presented to the next Planning Committee Meeting for consideration with appropriate reasons for refusal.

9. APPLICATION DC/2016/01033 - PROPOSED DEMOLITION OF BUILDING TO ACCOMMODATE THE M4 ALIGNMENT CORRIDOR (APPLICATION FOR LISTED BUILDING CONSENT). WOODLANDS HOUSE, MAGOR

The local Member for Usk left the meeting before consideration of this application and did not return.

We considered the report of the application and late correspondence, which was recommended that the Welsh Government calls in the application. This will ensure that the decision on Listed Building Consent for demolition is properly taken concurrently with the decision on the proposed M4 relief road. There are conditions outlined in the report should the Welsh Government be minded to approve Listed Building Consent.

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

- The Planning Authority has a duty to uphold the principles of the Local Development Plan and the policies therein.
- It is a magnificent building. Many local people consider it to be an important and much treasured building with many local historic associations.
- The application is highly irregular and is incomplete. The Planning Officer has said that this Authority could not determine the application because the bat surveys are incomplete. However, there has been evidence of bats roosting there but in 2015, it had been determined that there was no bat roost located at the building.
- The Ecology Officer has said that there are inadequacies in the methodology used to come to that report.
- National Planning Policy says that applications made for the demolition of a listed building must be fully justified and scrutinised before any decision is taken. The demolition of any listed building should be considered as exceptional and require the strongest justification. In determining planning applications for total or substantial demolition of listed buildings, authorities should take into account the condition of the building. This building is in perfect condition. However, Welsh Government considers that the building will be lost, or at best, used for salvage materials.
- Local Authorities should not authorise demolition of a listed building to make way for a new development unless it is certain that that development will proceed.
- There is no certainty that the M4 Black Route will be chosen as the route for the M4 relief road at this current time. The public inquiry has been further delayed as there are inappropriate or sufficient traffic growth forecasts to justify the development at present. Therefore, the two conditions that must be satisfied do not appear to be.
- It is recommended that the Welsh Government calls in this application. However, Welsh Government considers that this building is not important. The Authority's Conservation Officer differs in this opinion and has stated that the building is particularly notable and the architect was John Noble.
- In conclusion, the application has an incomplete bat study.
- The local Member asked the Committee to consider either refusing the application or deferring it until the application is either sufficient or the Black Route is determined or not.

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The Head of Planning, Housing and Place Shaping informed the Committee that the reason for the officer recommendation is due to the need to look at the overriding national importance of the M4 relief road. It is clear that if the Black Route goes ahead, the building is located underneath the route. By requesting that the Welsh Government call in the application subject to the conditions outlined in the report of the application, by requesting the call in means that the application, if the Welsh Government agrees, will go before the same inspector and will be considered as part of this appeal process and the end result will either be - yes to the M4 Black Route and yes to demolition of the building, or no to both.

In response to a Member's question, it was noted that a recommendation could be made to the Welsh Government that, should the Black Route be approved, the building be taken apart and rebuilt at an alternative location.

The Monitoring Officer informed the Committee that if the application did go to the Welsh Government for decision, the Welsh Government would need to undertake various ecological assessments, including a bat survey, before making a decision on this matter.

In response to a question raised by the local Member, the Head of Planning, Housing and Place Shaping informed the Committee that a decision on the called in application would be made by an Independent Planning Inspector.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R.G. Harris that the Planning Committee be minded to approve the application subject to the conditions outlined in the report and subject to the relocation of the building. The bat survey to be corrected before the Planning Inspector makes his / her decision and all of this information to be called in by the Welsh Government so that the decision is made concurrently with the decision on the location of the M4 relief road.

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

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

The proposition was carried.

We resolved that the Planning Committee be minded to approve the application subject to the conditions outlined in the report and subject to the relocation of the building. The bat survey to be corrected before the Planning Inspector makes his / her decision and all of this information to be called in by the Welsh Government so that the decision is made concurrently with the decision on the location of the M4 relief road.

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10. APPLICATION DC/2015/00972 - CONSTRUCTION OF 8 DWELLINGS (3 AFFORDABLE UNITS AND 5 MARKET HOUSES). LAND ADJACENT TO WALNUT TREE COTTAGE, NEWPORT ROAD, LLANGYBI

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

The Head of Planning, Housing and Place Shaping informed the Committee that the applicant had requested that consideration of the application be deferred as there had been amendments to the layout and design of the development which appear to overcome the reasons for refusal.

In light of this information, it was proposed by County Councillor P. Clarke and seconded by County Councillor A. Wintle that consideration of application DC/2015/00972 be deferred to the next Planning Committee meeting to consider amendments to the layout and design of the development.

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

For deferral	-	10
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/00972 be deferred to the next Planning Committee meeting to consider amendments to the layout and design of the development.

11. APPLICATION DC/2015/01541 - EXCAVATE 1,500 CU.M. OF STONE FOR BUILDING PURPOSES ONLY; STONE FOR CROPPING, DRY WALLING, FLAGSTONES, LINTELS AND QUOINS. CLEDD-Y-TAN WOOD, KILGWRRWG, NEWCHURCH, CHEPSTOW

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

Having considered the report of the application it was proposed by County Councillor D. Edwards and seconded by County Councillor M. Powell that application DC/2015/01541 be approved subject to the nine conditions, as outlined in the report.

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

For approval	-	10
Against approval	-	0
Abstentions	-	0

The proposition was carried.

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We resolved that application DC/2015/01541 be approved subject to the nine conditions, as outlined in the report.

12. APPLICATION DC/2016/0884 - FULL PLANNING APPLICATION FOR A CARE FACILITY, ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. LAND AT WESTGATE, A465 - HEADS OF THE VALLEY ROAD, LLANFOIST, NP7 9AQ

County Councillor A. Webb left the meeting before this application was considered and did not return. The Head of Planning, Housing and Place Shaping left the meeting during consideration of this item.

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

Having considered the report of the application, the committee expressed its support and commended the applicant with regard to the design of the proposed care facility. However, the applicant was asked if the roofs could be altered slightly to overhang the building rather than being flush to it.

It was proposed by County Councillor M. Powell and seconded by County Councillor D. Edwards that application DC/2016/0884 be approved subject to the eight conditions, as outlined in the report and also subject to the two conditions, as outlined in late correspondence.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2016/0884 be approved subject to the eight conditions, as outlined in the report and also subject to the two conditions, as outlined in late correspondence.

13. Appeal Decision - Green Tree Orchard, Glascoed

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 16th September 2016. Site: Green Tree Orchard Store, Coed Chambers Road, Glascoed, Monmouthshire NP4 0TF.

The appeal had been dismissed.

The meeting ended at 6.15 pm.

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DC/2013/00571

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS, FOR UP TO 200 DWELLINGS

LAND TO THE WEST OF A466 AND SOUTH OF MOUNTON ROAD, CHEPSTOW

RECOMMENDATION: REFUSE

Case Officer: Kate Young

Date Registered: 25/07/13

1.0 APPLICATION DETAILS

1.1 This is an outline application, with all matters reserved except for access, for residential development comprising up to 200 dwellings. The site, which measures approximately 10 ha, slopes down from the north-east corner towards the south-west; it has been designated as a Green Wedge. It appears that the land was once parkland as there is evidence of iron railings and stone walls throughout the site, but it is currently being used as agricultural land. On the northern boundary of the site is St Lawrence House, a Grade II Listed Building. A concept masterplan has been submitted with the application which shows a single vehicular access into the site from the A466 Wye Valley Link Road and includes offsite improvements to High Beech Roundabout. The indicative layout plan/ concept plan shows a large area of public open space to the west of the site and a small area to the north-east adjacent to the link road. There would be three play area (LAPs) included on the site. An attenuation area would be provided in the southern side of the site to provide for sustainable urban drainage.

1.2 An EIA screening opinion was carried out prior to the submission of the application which found that a full EIA was not required but that detailed studies were needed. The application had been advertised as being a departure to the UDP (as that was the extant plan at the time of submission) as it comprises new residential development outside of a designated development boundary.

1.3 The site is located on a Minerals Safeguarding Area and is adjacent to the Wye Valley Area of Outstanding Natural Beauty.

2.0 RELEVANT PLANNING HISTORY

This was considered as an alternative site as part of the LDP Examination but was rejected at that time and the site was allocated as Green Wedge.

3.0 PLANNING POLICY

3.1 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 Spatial Distribution of New housing Provision
- S2 Housing Provision
- S4 Affordable Housing Provision
- S5 Community and Recreation Facilities
- S7 Infrastructure Provision
- S12 Efficient Resource Use and Flood Risk
- S13 Landscape, Green Infrastructure and the Natural Environment.
- S15 Minerals

S16 Transport
S17 Place Making and Design.

Development Management Policies

H1 Residential Development in Main Towns, Severnside Settlements
CRF2 Outdoor recreation/public Open space and Allotment Standards and Provision
LC4 Wye Valley AONB
LC5 Protection and Enhancement of Landscape Character
LC6 Green Wedges
NE1 Nature Conservation and Development
EP1 Amenity and Environmental Protection
M2 Minerals Safeguarding Areas
MV1 Proposed Development and Highway Considerations
MV2 Sustainable Transport Access
MV3 Public Rights of Way
DES1 General Design Considerations
SD2 Sustainable Construction and Energy Efficiency.
SD4 Sustainable Drainage

3.2 NATIONAL ADVICE

Planning Policy Wales Edition 9
Welsh Office Circulars 61/96

4.0 REPRESENTATIONS

4.1 Consultation Replies

Chepstow Town Council – Refuse

On a Greenfield site not designated for housing in the UDP
Blights the entrance to the AONB and the entrance to Chepstow
Scheme is of poor quality; no provision for the development or growth of the community
LAP is located in the wrong place, next to the A466
Affects the setting of St Lawrence House, which is listed.
Located on land that resembles parkland, around a Georgian Residence.
Reduces the Green Wedge separating Chepstow, Mouton and Pwllmeyric
Inadequate infrastructure in Chepstow i.e. hospitals, GP's, public transport and schools.
It will exacerbate traffic flow problems
There are other more suitable sites within Chepstow i.e. Fairfield Mabey

Shirenewton Community Council – Refuse

The A466 is the western edge of the Green Wedge between Chepstow and Pwllmeyric and should be retained. There are already serious delays and traffic issues at the St Lawrence roundabout at peak times and on race days. There needs to be a detailed transport assessment identifying highway improvements that would create acceptable traffic conditions. The impact on the Air Quality Management Area (nitrogen dioxide pollution) needs to be carefully assessed and the situation should not be exacerbated.

Mathern Community Council – Refuse

Chepstow is the Gateway to Wales
Detrimental visual impact for visitors to Wales and the Wye Valley
Increased traffic on St. Lawrence Roundabout
Impact on Air Quality Management Area on Hardwick Hill
Chepstow has had a huge increase in the amount of new dwellings
Inadequate infrastructure in Chepstow.

MCC Tree Officer- No objection.

The proposal has clearly been designed with a view to retaining the majority of trees on and around the site. The best trees on the site are mainly situated in the western section, which I am pleased to note has been designated as public open space. Many of the trees in this section are protected by tree preservation order (TPO) MCC 243; all of these, bar one are scheduled for retention. The tree constraints plan is accurate; tree categories allocated are appropriate and calculated root-areas have been established for all trees on the site. The report is thorough and the recommendations contained within it reflect good arboriculture practice. Recommendations for tree work are relatively minimal and, if implemented, would serve to preserve the good health, shape and long life of the trees concerned, and/or to address genuine safety concerns.

MCC Heritage Officer – Objects.

St Lawrence House is a Grade II Listed Building; it is a late 18th Century house retaining much of its character. The setting of St Lawrence House is extremely important to its character, which is defined by the land that is bounded by Mounton Road, the A466 and St Lawrence Lane. This importance is amplified by the fact that so many of the small country house estates have been encroached upon and developed, leaving only St Lawrence of this scale.

MCC Planning Policy

The site is located outside the Chepstow Town Development Boundary in an area considered as open countryside. Its development for a residential use would be contrary to Strategic Policy S1 of the LDP relating to the spatial distribution of new housing provision. The proposal is a departure from the adopted Local Development Plan and open countryside policies apply.

In relation to housing land supply Paragraph 6.2 of TAN1 states that 'Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'. In this respect the proposal does not comply with national and local planning policies with regard to green wedges and landscape impact which are discussed in further detail below.

In addition to this the shortfall in the Housing Land Supply is an issue that has been addressed in the LDP Annual Monitoring Report (AMR) (September 2016). This is available on the Council's website and was formally endorsed for submission to the Welsh Government by Cabinet in October 2016. The AMR is recommending an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. It also suggests that the adoption of a pragmatic approach to the determination of residential development sites will also assist in this context (as recognised in para 6.2 of TAN1). That is, where sites are a departure from the LDP but are otherwise acceptable in planning terms a recommendation for approval may be considered. In this respect any application would need to be assessed against the policies set out below. This site was put forward as an Alternative Site (ASN084) in the LDP process. It was concluded that there were compelling arguments regarding the adverse landscape impacts of the potential development of the site that made the proposal unacceptable. It was also noted that there was no guarantee that the necessary highways infrastructure improvements could be implemented to accommodate the development of the site. In addition, the LDP spatial strategy for Chepstow is based on the premise that the sustainability benefits of the existing brownfield sites adjacent to the town centre should be taken full advantage of, while at the same time protecting the sensitive landscape setting to the west of the town. This is in accordance with paragraph 4.4.9 of Planning Policy Wales (edition 9) which states that '...Previously developed (or brownfield) landshould, wherever possible, be used in preference to greenfield sites'.

Policy S4 relates to Affordable Housing Provision; as the site is located outside the Chepstow Town Development Boundary it is a departure from the LDP. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. The proposal relates to 190 dwellings, the affordable housing requirement would therefore be 67 units which is currently proposed. The planning statement in section 4.40 states it will provide 35% affordable housing however paragraph 5.6 and the DAS both state 'up to' 35%. Given that one of the stated justifications for this departure application is the opportunity to provide market and affordable dwellings to address the need for housing in the area, it is considered to be essential to be satisfied at this stage that the proposal is both deliverable and viable and can achieve an appropriate amount of affordable housing. It is suggested you contact Shirley Wiggam the Senior Strategy and Policy Officer for Housing in relation to the size and mix of the affordable units required.

Policy LC1 relates specifically to new built development in the open countryside, the policy contains a presumption against new build development although it does identify a number of exceptional circumstances involving new built development that might be permitted (subject to policies S10, RE3, RE4, RE5, RE6, T2 and T3). None of these exceptional circumstances apply and as a consequence the proposed development would be contrary to the policies contained in the Local Development Plan, most notably policies S1 and LC1.

In addition to this the site is located within an area designated as Green Wedge, Policy LC6 is subsequently of importance. Section 4.8 of Planning Policy Wales (November 2016, Edition 9) should also be considered in relation to development in Green Wedges. Paragraph 4.8.14 states 'when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply'.

Strategic Policy S13 relating to Landscape, Green Infrastructure and the Natural Environment is of importance. The site is located in close proximity to the Wye Valley Area of Outstanding Natural Beauty, while Policy LC4 relates in the main to developments within the AONB it also states 'development proposals that area outside the AONB but would detract unacceptably from its setting will not be permitted'. Policy LC5 relating to the protection and enhancement of landscape character must also be considered, detailed comments from the Landscape team have been submitted in relation to this site and in response to the submitted LVIA . Additionally Policy GI1 should be referred to in relation to Green Infrastructure, the application does not include a masterplan, asset plan or opportunities plan; detailed comments from the GI team have been provided. Policy NE1 relating to Nature Conservation and Development must also be considered, it is noted a number of ecological surveys have been undertaken.

St Lawrence House a Grade II Listed Building is located within the site. As there is no specific local planning policy in relation to listed buildings it is important to ensure Policy DES1 in relation to General Design is considered along with Chapter 6 of Planning Policy Wales (PPW) relating to Conserving the Historic Environment. Strategic Policy S17 relating to Place Making and Design should also be considered. Criterion i) of DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land. The net area of the site is not known, however it appears to be relatively high density.

Further to this while the proposal is not located within a designated Area of Special Archaeological Sensitivity, it was assessed by Glamorgan Gwent Archaeological Trust (GGAT) as part of the LDP process. GGAT found there to be a major restraint on the southern field and a fairly significant restraint on the rest of the site.

Policy EP1 relating to Amenity and Environmental Protection should also be considered.

Policy MV1 should be referred to with regard to access and car parking. Policy MV2 relating to highway considerations and sustainable transport access is also of relevance. Policy MV2 states that where deemed necessary financial requirements will be required towards improvements in transport infrastructure and services, in particular to support sustainable travel links / public transport, cycling and walking. This is a matter that will need to be considered in the planning obligation / heads of terms. It is noted a Traffic Impact Assessment has been submitted and colleagues in the Highways section have commented in response to this.

Policy CRF2 should be considered relating to outdoor recreation/public open space/allotment standards and provision. The policy requires outdoor playing space at a standard of 2.4 hectares per 1,000 population and 0.4 hectares of public open space per 1,000 population. It is noted that two areas of open space are included within the proposal and whilst the planning statement suggests it exceeds requirements the total hectareage is not known. It must be considered whether this meets the Council's basic space standard of 70 square metres per dwelling (as set out in the Recreation and Open Space Developer Contributions Charging Schedule) and whether the required mix is provided. The largest need relates to outdoor sport, of which 1.6ha should be provided per 1,000 population, it would need to be considered whether the requirement for this is being achieved within the public open space areas. If it is not then financial contributions may be needed in lieu of on-site provision of outdoor sport. The last paragraph of Policy CRF2 also states that any development exceeding 50 dwelling units per site, should make provision for allotments if required in accordance with the standards set out in the policy. Colleagues in the landscape/recreation team will no doubt provide comment in relation to these matters. Again, these are matters that will need to be considered in any planning obligation / heads of terms.

Policies SD2 and SD4 relating to Sustainable Construction and Energy Efficiency and Sustainable Drainage respectively must also be considered. Policy S3, Strategic Housing Sites, requires that any detailed application for development shall include a feasibility assessment for suitable renewable energy and low or zero carbon technologies that could be incorporated into the development proposals. The application site is, obviously, not an allocated strategic site in the LDP but similar considerations would apply should planning permission be granted for the proposal.

The site is located in a minerals safeguarding area as designated in Policy M2. The application submission does not appear to have addressed the requirements of this policy, particularly criterion i) that 'the potential of the area for mineral extraction has been investigated and that it has been shown that such extraction would not be commercially viable now or in the future or that it would cause unacceptable harm to ecological or other interests'. There is no overriding need for the development as required by criterion iii). Criterion iv) is not applicable – the development is not infill or householder development within a built up area. Criterion ii) is complied with as there is a need to provide a buffer to protect existing residential dwellings in the locality from the impact of minerals working, as a consequence, minerals extraction would not be feasible, except on a very small portion of the site. The mineral, therefore, cannot be extracted satisfactorily prior to the development taking place. Similarly, the location would not be suitable for mineral extraction in the longer term. The development, however, would sterilise land beyond the existing buffer zone site as the buffer zone itself would need adjusting to take account of any new housing on the site. M2, is not fully complied with, therefore, but this not considered to be a reason for refusal as the area left once buffers are provided to existing residential development would leave an isolated pocket of potential minerals extraction that would not appear to be feasible to develop from a technical or economic point of view. In addition, minerals extraction in this locality would likely be unacceptable from a landscape point of view, for similar reasons as the housing development itself, particularly as inappropriate development within a green wedge.

Section 5.6 of the Planning Statement sets out anticipated planning obligations in draft heads of terms. The Council is currently progressing the implementation of a Community Infrastructure Levy (CIL). At present it is envisaged that CIL could be adopted in Summer 2017. If the planning application is successful and approved after the adoption of CIL then the development could be liable to the payment of a CIL charge, in this location the proposed CIL rate is £120 per square metre. Should planning permission be granted after the adoption of CIL then it is accepted that Section 106 contributions will need to be reconsidered.

MCC Housing Officer

Site: Mounton Road Chepstow	DC/2016/00571
Evidence of Housing Need	There are 625 households on Monmouthshire's Common Housing Register waiting for a house in this area.
	The price of housing in Monmouthshire has risen to a level beyond that which many local people can afford. In 1999 the price of an average property in Monmouthshire was 4.6 times the average earnings of someone working in the County. This has now risen to over 9:1 times the average earnings (Source: Hometrack LQ Date 12/12/16).
Policy compliant percentage of affordable housing	35%
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	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.
Mix required (based on 64 units being 35% affordable) 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 12 (blocks of 4 walk-up) (4 designated OAP) 33 12 3 4 (OAP)
Price to be paid by RSL for affordable units	42% of Welsh Government Acceptable Cost Guidance
ACG Figures for the Area 2p1b flat 4p2b house 5p3b house	Band 5 108,000 175,500 194,200

6p4b house 3p2b bungalow	226,000 174,700
Affordable Housing SPG Link	http://gov.wales/desh/publications/housing/devquality/guide.pdf

NRW - Drainage

The application site lies within Zone A, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). TAN15 indicates that flooding is unlikely to constrain development in this zone. Our Flood Map information, which is updated on a quarterly basis, also confirms the site to be outside the flood zones. We have reviewed the Flood Consequences Assessment Level 2, produced by C&A Consulting Engineers Ltd, dated June 2013, Project No. 13-002, submitted in support of this application and comment as follows:

Surface water drainage from new development can, if not properly controlled, significantly increase the frequency and size of floods in drainage systems that receive the surface water drainage. Section 8 of the FCA considers Surface Water Management at the site and identifies a number of options for the management of surface water runoff using sustainable drainage techniques. However, we note that a detailed drainage design has not been submitted at the outline planning stage. We recommend that a strategic drainage scheme for the whole site be developed, not a piecemeal approach.

We recommend that the Local Planning Authority impose an appropriately worded condition in respect of surface water drainage, on any planning permission granted, to ensure that the surface water is assessed and dealt with appropriately.

A Preliminary Risk Assessment has been submitted in support of the application which demonstrates that the site has not previously been developed and therefore is unlikely to have been affected by contamination.

We support the use of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. This is of particular relevance at this location as the site is underlain by Carboniferous Limestone which is classed as a Principal Aquifer.

NRW - Ecology

We have reconsidered the ecology report, Supplementary Information Notes: Further Dormice Mitigation and Enhancement Measures produced by EDP. We no longer have an objection provided a condition can be imposed to address the implications of the mitigation measures. Dormice are a European Protected Species. The development may only proceed under licence from NRW, having first satisfied the three tests. The LPA should take these tests into account when determining the application. We do not consider the development will result in a detriment to the favourable conservation status of the species.

MCC Landscape Officer

No type of development has been allocated for this site (MCC LDP 2011-2021). The site sits outside the settlement area of Chepstow. (LC1) The site sits within the green wedge between Chepstow and Pwllmeyric / Mathern (LC6). The site abuts The Wye Valley AONB (LC3). The site is situated within an area noted for its high quality landscape and picturesque qualities; noted characteristics are ancient woodland and long views over the Severn Estuary. LANDMAP evaluation scores of high. The area is also noted for a number of post medieval landscapes and gardens. Mounon House, of arts and craft style with designed gardens has significantly influenced the local landscape character and contributes towards

the area's strong sense of place. The pronounced topography and gateway location adds to the significance of this important landscape.

The Monmouthshire Landscape and Sensitivity Capacity Study indicated that this site is medium sensitivity & medium/low capacity for residential development... Due to the positive approach from the west, the intrinsic qualities of the pastoral landscape and the setting of St Lawrence House... Development should be confined to the eastern side of the site to avoid an adverse impact on the setting and view of St Lawrence House and the Wyelands Conservation Area to the south.

A fundamental element of the LDP Vision is to protect and enhance the distinctive character of Monmouthshire's countryside and environmental assets. To highlight the sensitivity and likely impacts of the proposal within the existing landscape and to inform and support the character of development, the applicant has submitted an LVIA. The findings from the LVIA question the Council's own assessment of both landscape character and of its sensitivity to development; these have been re-assessed by Simon White (on behalf of MCC). Simon White concluded that development should be rejected based on landscape and visual grounds.

Landscape and visual effects.

The site lies within LLCA C05 and more specifically CS/0214. The site is characterised by a gently indented hillside rising from south west to north east. The hillside is a significant 'green gap' between Chepstow and Mownton and Pwllmeyric. The north eastern section of the hillside provides an established landscape setting for St Lawrence House and established vegetation integrates the settlement edge into the landscape. Given the intrinsic quality of Monmouthshire's landscape, high priority is given to the protection, conservation and enhancement of the County's landscape character. EDP have argued that the adverse effects of development should not be an obstacle for development (LVIA 8.40). I feel that the obstacles for development on this site are the design and design process of the applicant's proposal. How has the development strategy been prioritised? This is a historic landscape with a strong sense of place. All development should be of high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Development proposals should be driven by cultural, visual and landscape (sensitivity) constraints... Proposals for development should demonstrate how they enhance the character, through both inclusive planning and through the design process. The outcome should be a high standard of environment... integrated in to the landscape and allowed to permeate into the existing urban fabric.

The current scheme for 200 residential is inappropriate development. The development strategy (for 200 residential units) has not appraised fundamental issues in this sensitive area with noticeable cultural, landscape and visual constraints (and the design standards set out in our LDP). Any type of development in this area will undoubtedly have a significant impact on the historic, cultural, landscape and visual character of Chepstow and the surrounding settlements; and also of its landscape designation (Green wedge). There is a fundamental issue of respecting distinctiveness through place making and good design, this concept has not been addressed within the applicant's development strategy. It is my opinion that any form of development on this site can neither protect nor conserve the landscape character or landscape designation. It is therefore essential that proposals communicate (from a cultural, landscape and visual perspective) how development here can enhance the immediate and surrounding landscape character and the visual amenity of the site.

Other comments

Green Infrastructure (GI) Monmouthshire County Council have policies in place (specifically S13, LC5 and GI1) which require a different approach towards new development. Of

particular significance is the adoption of the Council's Green Infrastructure Policy which requires applications to be considered more holistically – it seeks to embrace a range of multidisciplinary aspects including landscape, biodiversity accessibility, health wellbeing , community engagement and climate change, through a coherent, resilient and connected network of high quality green and blue spaces.

We would expect a GI approach to be adopted, should this application be progressed. The applicant has not provided a Green Infrastructure Assets and Opportunities plan. I am unable to determine the extent of GI assets around the site and potential opportunities linked to them. To manage the application with policy GI1 we would also require a detailed plan showing how GI connectivity works through the various scales of their GI assets ...to include buildings; green roofs and walls; grey water collection; the curtilage of the unit/s. Access roads/car parking; surface treatments, managing surface run off, filtration.

2. Without the submission of site development sketches and plans, regarding buildings and the landscape assessment, it is difficult to properly manage the application.

3. We do not encourage mitigating the impact of development through the use of 'landscaping' - Softening views is not appropriate. Integrating the scheme into the landscape through good design is appropriate.

4. Topography is another major feature of the site. Existing and proposed levels have not been addressed within the application.

5. Other relevant policies: SD2/SD4/MV3/MV4

Additional information for your consideration.

It is our duty under The Wellbeing of Future Generations Bill to ensure the needs of future generations are taken into account; through the principles of sustainable development. If it is the duty of the LSB to provide appropriate and affordable housing and commercial units for business to thrive in, can we be sure that a long term, integrated, consultative and collaborative approach for this site has been employed? One way forward could be the production of a Neighbourhood-level integrated plan – managed by the applicant. The benefits of embracing a sustainable form of development to the applicant are improved (better) sales; better transport connections; reduced liability and costs – using SUDs; Planning for wildlife is good for marketing etc.

Dwr Cymru-Welsh Water - Our assessments have concluded that if the development can connect to specific points of the network we have identified adequate capacity exists. Conditions are requested if permission is granted.

Green Infrastructure, Countryside, Tourism, Leisure and Culture

Ecological Considerations

The application for the proposal is informed by the following ecological assessments:

Land at Mounon Road, Chepstow, Ecological Appraisal Report, ref C_EDP1518_12a (June 2013);

Land at Mounon Road, Chepstow, Ecological Survey Addendum Report, ref C_EDP1518_13a (January 2014); and

Land at Mounon Road, Chepstow, Supplementary Information Note: Further Dormouse Mitigation and Enhancement Measures, ref C_EDP1518_15a_130614_KH_jm (June 2014), all prepared by The Environmental Dimension Partnership

While the scheme submitted seeks to mitigate impacts upon priority species including Dormouse and several species of bat and nesting birds, I recommend that you give consideration to the wording of LDP policy NE1 Nature Conservation and Development. The policy states that mitigating and compensating impacts of development is only acceptable subject to the development satisfying criteria a) and b) as follows

- Development proposals that would have an unacceptable adverse effect on a locally designated site of biodiversity ..., or on the continued viability of priority habitats and

species, as identified in the National or Local Biodiversity Action Plans, will only be permitted where:

- a) the need for the development clearly outweighs the nature conservation or geological importance of the site;
- b) it can be demonstrated that the development cannot reasonably be located elsewhere.

Therefore please consider whether the planning argument is made that there is a need for the development and that other sites would not better provide residential development of this scale while presumably presenting a lower overall impact on biodiversity.

Beyond the above consideration, I find the design to be of a suitable quality with respect to biodiversity and the approach to protected species mitigation measures and compensation are generally well considered. In particular I welcome the scheme revisions to protect Dormouse habitat on site.

If you do consider the development meets the requirements of policy NE1 and are minded to approve the application, I would suggest recommend conditions are included with the decision.

Glamorgan Gwent Archaeological Trust – No objections; identifies conditions requesting a programme of archaeological works, the fencing off of the Roman road and interpretation boards.

Welsh Government Transport Division – we are yet to receive confirmation that the WG's holding direction has been removed and therefore this matter remains a reason for refusal at present.

MCC Highways - No objection, subject to conditions

Initial detailed comments are available to view on our website, however in response to those comments the applicant undertook a further analysis of the capacity constraints on the A466 Wye Valley Link Road (northern arm) of the High Beech Roundabout.

Highways comments 17/08/2015

Having considered the additional data it is noted that the analysis is solely reliant upon improvements to the A466/A48 High Beech Roundabout (Welsh Government Trunk Road) as detailed in The transport Assessment dated June 2013, Section 8.13 – 8.29 and Fig 8.1. Subject to delivery of those improvements we as Highway Authority we would offer no adverse comments regarding the suitability of the proposed means of access onto the A466 via a simple T junction and right turn ghost island. It is considered that development will not have a significant impact on the local network subject to the mitigation measures proposed on High Beech Roundabout being implemented prior to commencement of development. It is accepted that the proposed mitigation measures proposed on High Beech Roundabout are not in the control or remit of Monmouthshire Highways therefore the developer will be required to liaise with Welsh Government for its delivery.

MCC Transport policy – Final Weltag Report; 2011 Chepstow Station Interchange Study; 2013 Chepstow Station. In addition to the measures set out in Chapter 6 of the Framework Travel Plan, we would suggest that the development provides via a section 106 agreement a contribution to public and sustainable transport improvement to the site and key destinations in Chepstow, such as Chepstow Rail station. Based on the trip forecasts and proposed ratio between modes of transport, we would propose a contribution of a minimum of £1500 per dwelling to contribute towards improvements to the local bus network, and proposed improvements to Chepstow Rail station – namely increased car parking and bus interchange as set out in the 2011 Chepstow Rail Corridor Option Development and Appraisal: Park and

Ride Design Report and 2013 Chepstow Railway Station Park and Ride: Consultation Report.

MCC Public Rights Of Way – There are no public right of ways shown on the definitive map for this site.

4.2 Neighbour Notification

Objection letters received from 46 addresses.

Increase in traffic adding to existing problems
Geometry of High Beech roundabout needs to be improved.
Lack of information on the public meeting
Loss of greenfield site
Existing new housing sites in Chepstow are not selling
Entrance to Chepstow should be kept green
Bungalows would be less obtrusive.
This is a green wedge with the stated intension of preserving the countryside.
Green gateway to Wales
Overloading and damage to sewer pipe leading to flooding
Violation of the landscape bordering the approach to Chepstow
Damaging to the parkland setting of St Lawrence House and its touristic potential
Require an overall traffic strategy for Chepstow including a bypass
Too far from the town centre to expect people to walk
Greater pressure on local services
Chepstow cannot sustain such extra volume
Loss of views across the 'distinctive' landscape
Destruction of a significant visual resource
Need to protect the AONB and the 'Gateway to the Wye Valley'.
Insufficient shopping in the area especially in the supermarkets
No need for additional housing, housing targets have been met in the LDP
Fairfield Mabey is unlikely to fail to deliver and if it does there are other sites in Monmouthshire that could deliver the governments housing targets.
Views from the A466 leading to the Wye Valley would be severely compromised and destroyed
Traffic flows at High Beech roundabout would be further compromised if both this site and Fairfield Mabey goes ahead
Removal of green wedge between settlements.
There are other more suitable site around Chepstow.
Unacceptable harm to the character and appearance to the Gateway to Wales
Lack of school places in Chepstow
Roads around Chepstow are already at capacity and exhaust fumes exceed EU regulations on Hardwick Hill
Developers need to contribute to infrastructure development
The proposed site floods every winter
Loss of the character of St Lawrence Lane and Mounon Lane
Contrary to Development Plan policy to ensure no coalescence of settlements.
The historic value of the town should be preserved
The Traffic Survey submitted with the application is not far reaching enough.
Will lead to more speculative housing.
Will lead to greater flooding further down the hill.
No detailed information on parking.
The green fields should be maintained so that the heritage and tourist values of Chepstow can be sustained.

Development will destroy panoramic views of the Channel from Mounton Road and St. Lawrence Road.
Devalue property prices especially due to the amount of affordable housing.
An emergency access is not needed for 200 dwellings.
Road improvements will be an eyesore
Inadequate screening of the site. There may be Roman archaeology on the site.
Detract from the natural beauty of the area.
Exacerbate the flooding in Mounton.
Light pollution to Chepstow.
Development on the skyline.
The LDP is allocating sufficient housing, this site is not needed.
This development will not help Chepstow Town Centre it will become a 'dormitory settlement'
Loss of wildlife habitat.
Increase in volume of traffic.
Loss of views across the Severn Valley.
Insufficient jobs in Chepstow.
To get to the town centre by walking or by bike involves going up and down very steep hills.
The visual impact would completely change visitor's initial impression of the area.
Local water supply would need upgrading
The green wedge should be maintained.
The application is 'premature' as this site is being considered in the LDP
Outside the development boundary for Chepstow.
There are other more acceptable sites within Chepstow.
The methodology in the Landscape Study is flawed.
Sets a precedent for more development west of the Link Road.
Adverse impact on the surrounding landscape.
Destroy the long parkland views to Mounton House
This is not a sustainable location
The additional cost of building on a brownfield site at Fairfield Mabey should not be a reason for allowing this unsustainable development.
Lead to further commuting out of the town.
Damaging to the Gateway to Wales, visitors will not be impressed with all this new housing
Lack of pedestrian crossings
Chepstow Hospital Minor Injuries Unit needs to be re-opened
Need a new supermarket in Chepstow
No more speculative housing, it should be plan-led.

One Letter of support received.

Chepstow needs more suitable housing. An increase in population will help increase the vibrancy of the town centre.

4.3 Other Representations

Gwent Wildlife Trust

The woodland plantation on the south west side of the site is important for wildlife and housing should not be too close to it. Pleased to see that the buffer zone to protect this area. Trees on the site should be retained and the planting of additional parkland trees would be beneficial. Any gaps in retained hedging should be filled. An ecological management plan will be needed.

The Chepstow Society Strongly oppose the development

This is a greenfield site, brownfield sites should be developed first like Fairfield Mabey;
Outside the development boundary;
Affects the setting of a Listed Building, parkland around a Georgian residence;
Add to traffic problems in the area;

Urbanises the approach to the Wye Valley;
Coalescence of Mownton, Pwllmeyric and Chepstow;
Add pressure to local services;
LAPs should be in the centre of the site not close to a busy road.

5.0 EVALUATION

5.1 Principle of residential development

5.1.1 LDP Policies

Policy S1 of the adopted LDP refers to the spatial distribution of new housing provision and says that the main focus will be within or adjoining the main towns of Abergavenny, Chepstow and Monmouth. Policy S2 makes provision to meet a requirement for 4,500 residential units over the plan period, 2011 to 2021 and of these approximately 675 would be within Chepstow. Policy S3 then identifies seven Strategic Housing Sites throughout the County. In Chepstow the land at Fairfield Mabey is identified as a strategic housing site for around 350 new dwellings during the LDP period (approximately 600 in total in the longer term). In addition to this development boundaries have been drawn around the main towns, including Chepstow. Inside the development boundaries there is a presumption in favour of new residential development and outside the boundaries open countryside policies will apply which only allow for new residential properties if they are conversions, subdivisions or rural enterprise dwellings. The site to which this application relates is outside the Chepstow development boundary and therefore contrary to the objectives of Policy S1 of the LDP and contrary to the housing strategy for the County. Policy S1 clearly states that outside development boundaries planning permission for new residential development will not be allowed (except for infill in Minor Villages). This application is clearly a departure to Policy S1 which underpins the whole housing strategy for the County. Accordingly the application has been advertised as being a departure to the policies of the LDP. This site was promoted by the applicants as an Alternative Site through the LDP process during the preparation of the Plan. The site was not included in the Adopted LDP as it was not considered suitable. The Report of Consultation following the Deposit and Alternative Sites stages concluded that 'there are compelling arguments regarding adverse landscape impacts of the potential development of the site that make the proposal unacceptable. There is also no guarantee that the necessary highway infrastructure improvements can be implemented to accommodate the development of the site'. This site was therefore considered and subsequently rejected at the LDP stage. The main reasons why the candidate site was rejected was its visual impact, highway considerations and the fact that it was contrary to the spatial strategy for housing in Chepstow.

5.1.2 Housing Land Supply

TAN1 states at its paragraph 5.1 that 'where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies'. It is acknowledged that the most recent Joint Housing Land Availability Study (2016) shows Monmouthshire as having a land supply of 4.1 years which is below the 5 year requirement. Recent appeal decisions in South East Wales confirm that the lack of a five year housing land supply is an important material consideration. Although the application is in outline, there is a developer on board (Taylor Wimpey) and therefore there would be potential for this site to make a meaningful contribution to the five year housing land supply if it is otherwise considered to be acceptable, or if this benefit is considered to outweigh any other harm.

5.1.3 Housing Commitments in Chepstow.

Paragraph 6.2 of TAN1 states that 'Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning

applications provided that the development would otherwise comply with development plan and national planning policies'. In addition to this the shortfall in the Housing Land Supply is an issue that has been addressed in the LDP Annual Monitoring Report (AMR) (September 2016). This is available on the Council's website and was formally endorsed for submission to the Welsh Government by Cabinet in October 2016. The AMR is recommending an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. It also suggests that the adoption of a pragmatic approach to the determination of residential development sites will also assist in this context (as recognised in para 6.2 of TAN1). That is, where sites are a departure from the LDP but are otherwise acceptable in planning terms a recommendation for approval may be considered. In this respect the proposal does not comply with national and local planning policies with regard to green wedges and landscape impact which are discussed in further detail below.

Through the LDP process the main focus of new housing in Chepstow is on the sustainable brownfield site in the centre of Chepstow that was the former Mabey Bridge site. In December 2014 an outline application was submitted which sought approval for up to 600 dwellings on that site. That application has been the subject to unforeseen delay with the Welsh Government Transport Division (WGTD) serving a holding objection until agreement could be reached on the necessary improvements to the A48. Those improvements have now been agreed and the WGTD has now removed its holding objection. Officers propose to present that application to Committee in the early part of 2017. In September 2011, full planning permission was granted for 169 dwellings on the former Osbourne Site, a sustainable brownfield site in the centre of Chepstow; on that site some units have been completed but the development stalled due to financial considerations but in recent months development of this site has recommenced with significant progress on Phase 2 now being made. In addition to this the 32 dwellings on the former Forensic Science Laboratory site in Chepstow have also recently been completed. The LDP spatial strategy for Chepstow is based on the premise that the sustainability benefits of the existing brownfield sites adjacent to the town centre should be taken full advantage of, while at the same time protecting the sensitive landscape setting to the west of the town. This is in accordance with paragraph 4.4.9 of Planning Policy Wales (Edition 9) which states that... 'Previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites'.

5.1.4 Conclusions on the principle of development

Housing development in this location outside the defined development boundary is contrary to policy S1 of the LDP and the Housing Strategy for the County. Although the Housing Land Availability may have slipped below its 5 year target, all indications are that the town of Chepstow will deliver the housing numbers in the LDP although it may but take slightly longer than initially anticipated. The site that is the subject of this application is not compliant with the housing strategy of the Plan as it is a greenfield site on the outside the town so it not considered sustainable in terms of public transport or access to facilities. The application site is a major site in the context of Chepstow and its development would seriously undermine both the LDP strategy and deliverability of the allocated strategic site in Chepstow at Fairfield Mabey. The spatial strategy for Chepstow is based on the premise that the sustainability benefits of the existing brownfield site adjacent to the town centre should be taken full advantage of, while at the same time protecting the sensitive landscape setting to the west. There is a risk that the application proposal, involving an easier to develop greenfield site, could be more attractive to developers than the strategic site and result in the provision of typical suburban development with no corresponding benefits arising from developing a brownfield site in a sustainable location, contrary to the LDP spatial strategy objectives for Chepstow. If this site is to be considered for housing development it must be evaluated against the other policies within the LDP and national planning policies.

5.2 Green Wedge

5.2.1 In order to prevent the coalescence of settlements Policy LC6 of the LDP has identified several areas within Monmouthshire as 'green wedges'. The land which is the subject of this application has been allocated as a green wedge. Edition 9 of Planning Policy Wales refers to green wedges in paragraph 4.8 and states "When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge". A large scale development such as the one being proposed here, would clearly prejudice the open character of the land and would lead to the growth of Chepstow towards the villages of Pwllmeyric and Mounton. It is a principle objective of planning to resist the coalescence of settlements. If this development was to be allowed it would compromise the separate identity of the settlements of Pwllmeyric and Mounton from that of Chepstow as it would encroach towards them. This open area of former parkland containing many mature parkland trees form an important green open space viewed when approaching Chepstow from the west and from the south. It also forms an important gateway into Wales when arriving from England. The A466 is an important route for tourists visiting the Wye Valley. Housing development on this site would result in the loss of this visually important green space which contributes to the setting of Chepstow. PPW continues in paragraph 4.8.15 by saying "Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan and would be considered a departure to the development plan." The very exceptional circumstances do not apply in this case as they refer to small scale rural enterprise, limited extension, limited infilling and small scale diversification. This proposal for up to 200 dwellings within a green wedge is inappropriate and contrary to the advice given in PPW.

5.2.2 There has been a number of recent appeal decisions in Wales relating to housing land supply cases. One of similarity to the circumstances surrounding this Mounton Road site was at Pantlasau in Swansea (appeal reference APP/B6855/A/15/3137926). In that appeal decision (for 13 houses on a green wedge site), the Inspector concluded that "*In view of the PPW advice that substantial weight should be attached to any harmful impact on a green wedge, my overall conclusion is that the shortfall in housing land supply in this case does not amount to very exceptional circumstances sufficient to clearly outweigh the harm to the green wedge.*"

5.3 Affordable Housing

5.3.1 The Council's adopted Affordable Housing Supplementary Planning Guidance, March 2016, contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. This is subject to a viability assessment but as this is a greenfield site, 35% should be easily achievable. The application is proposing 35% affordable units spread throughout the site and this is policy compliant. This would have to be delivered through a 106 legal agreement. There is evidence of a significant need for affordable housing within the Chepstow area. The Housing Officer has requested that the mix comprise: 12 one bed flats, 33 two bed houses, 12 three bed houses, 3 four bed houses and 4 OAP two bed bungalows; all of these should be Neutral Tenure.

5.3.2 The applicant has agreed to this level of affordable housing provision, and it is acknowledged that this would be a welcomed contribution to meeting affordable housing need in the Chepstow area. However, this benefit is not considered to outweigh the visual impact and Green Wedge policy.

5.4 Highway Considerations

5.4.1 At present there is a holding objection from Welsh Government Transport Division relating to traffic capacity on High Beech Roundabout. WG commissioned a study looking at traffic flows along the A48 Trunk Road and its impact on the Air Quality Management Area (AQMA). This has now been published and the applicants have submitted details of improvements to High Beech roundabout. WG have been re-consulted and we await their updated response.

5.4.2 Although this is an outline application, access is to be considered at this stage. The proposal shows a single point of vehicular access into the site off the A466 Valley Link Road, with an additional emergency access closer to High Beech Roundabout and a pedestrian access off Mounton Road. A Transport Assessment (TA) was submitted as part of the application. The Council is aware of current problems with the traffic flows along the A466 with queuing occurring at High Beech Roundabout. The submitted TA demonstrates that current peak period queuing is modest except for the eastern arm in the am peak. However in reality the queuing during this am peak is known to extend beyond the proposed junction. The applicants have undertaken further analysis of the capacity constraints on the A466 Wye Valley Link Road (northern arm) of the High Beech Roundabout. This is solely reliant upon improvements to the A466/ A48 High Beech Roundabout (these are administered by the Welsh Government as they form part of the trunk road network) as detailed in the TA dated June 2013, Section 8.13 – 8.29 and Fig 8.1. Subject to delivery of those improvements the Highway Authority offers no adverse comments regarding the suitability of the proposed means of access onto the A466 via a simple T junction and right turn ghost island. It is considered that development will not have a significant impact on the local network subject to the mitigation measures proposed on High Beech Roundabout being implemented prior to commencement of development.

5.4.3 It is accepted that the proposed mitigation measures proposed on High Beech Roundabout are not in the control or remit of Monmouthshire Highways and therefore the developer will be required to liaise with Welsh Government for its delivery. As Welsh Government has not budgeted for this it is presumed that the applicants would fund this and this may have implications for the viability of the site and its ability to provide for affordable housing.

5.4.4 MCC Highways are not in favour of the proposed emergency access in that such accesses are difficult to maintain and are often subject to abuse by motorists. Highways consider that this point of access should be for pedestrians and cyclists only. The layout inside the site is a detailed issue to be considered as part of the reserved matters but the roads should be to adoptable standards and comply with the adopted Monmouthshire Parking Guidelines.

5.4.5 The TA refers to existing pedestrian infrastructure north and south of the site. Highway Officers would like to see additional pedestrian crossings on the A466 to assist residents of the new development connect with the rest of the town via Newport Road and Mounton Road. In addition it would be desirable to have pedestrian links from the public open space on the western side of the site linking onto Mounton Road and onto St Lawrence Lane.

5.5 Active Travel Act

5.5.1 There would be a requirement for a financial contribution to green transport infrastructure in the form of enhancements to the rail station and local bus services.

5.6 Impact on the Historical Environment

5.6.1 The primary historical assets that would be affected by the proposed development are St Lawrence House. This is a late 18th Century house, retaining much of its character and is Grade II listed. There is also parkland, which is associated with Wyelands House and Mounton House with its II* registered garden. These houses would have been a number amongst the many historic houses that were developed on the outskirts of the bustling historic port of Chepstow. Whilst the land surrounding most of these historic houses has been encroached upon by more modern development the parkland surrounding St Lawrence House and Wyelands has not, so that the relationship between the house and the land can be clearly seen and is easily read within the landscape. For this reason, to allow new residential development would irreparably damage the relationship between the farmland and the historic dwelling. Views from the south and east towards St Lawrence House are very important and would be lost if this proposed housing development were to proceed. Similarly wide open views from St Lawrence House across the landscape, with long distance views over the Severn Estuary which are fundamental to the Listed Building would be lost. The Council's Heritage Officer is opposed to this development and considers that the setting of St Lawrence House is very important to the character of the house. This importance is amplified by the fact that many of the small country house estates in the area have been encroached upon and developed. It is important therefore that St Lawrence House and its setting are maintained and that its views from public vantage points are retained. The proposed housing development would have a significant detrimental impact upon the setting of St Lawrence House which is a Grade II Listed Building and therefore would be contrary to the advice given in Welsh Office Circular 61/96 and The Planning (& Listed Building & Conservation Areas Act) 1990. Although the land immediately to the south of the Listed Building will not be developed by housing, the character of the parkland setting will be lost.

5.6.2 A Heritage Assessment was submitted with the application and the agents have responded to the comments above. The applicants accept that development on the site will have some impact but they believe that a balance needs to be struck between harm to the landscape and delivering new housing. The developers maintain that the proposal has "*an indirect effect on the perception of the house and its estate and there is no direct loss to the fabric or character*". Officers disagree with this interpretation and consider that the setting of the Listed Building is important and that St Lawrence House and its setting make a significant contribution to the landscape character of this area.

5.7 Landscape

5.7.1 The Rebuttal statement for this site used in the LDP Examination, prepared by White Consultants concluded that "The site is of rural character in a noticeable and sensitive rural location. The development would significantly close the gap between Chepstow and Pwllmeyric within a Green Wedge/ proposed Green Belt, including part of a Conservation Area and directly adjacent to a registered park and garden with similar landscape characteristics. It would be overlooked by a Grade II listed building and close off or adversely affect attractive views across the Severn Estuary from a tourist route, the A466. The indicative development layout indicates a marked lack of response to the landscape sensitivity of the site facilitating further development rather than forming a new defensible edge. Taking all of the above considerations into account I suggest that the alternative allocation of housing on this site should be rejected on landscape and visual grounds"

5.7.2 The current proposed layout does differ slightly from the submission used at the LDP in that the land in front of St Lawrence House has be left undeveloped as public open space (POS). Whilst this will protect limited views of the Listed Building from the A48 to the south it will obscure views of the House and parkland when viewed from the A466, the gateway to the Wye Valley. The proposal is therefore contrary to criterion (e) of Policy DES1 of the LDP as it would not respect built and natural views and panoramas where they include historical features and attractive and distinctive landscape. Rather, development of this scale on the site

would be detrimental to this important landscape at the approach to Chepstow and the Wye Valley. The application site lies wholly within a designated Green Wedge. Green Wedges are identified in the LDP in order to prevent the coalescence of settlements. The proposed development would extend the boundary of the town of Chepstow in a westerly direction towards the village of Pwllmeyric eroding this important part of the Green Wedge, this is clearly contrary to the objectives of Policy LC6 of the LDP and would have a detrimental impact on the open character of the landscape in this important area on the edge of Chepstow. The applicants maintain that the development of this site represents rounding off of the settlement between the modern development at St Lawrence and High Beech. The Council does not concur with this view given that the only existing development to the south of this site is the converted farm buildings at High Beech Farm, which are rural in nature and two recently renovated properties adjacent to the roundabout.

5.7.3 Many of the existing high quality trees on the north-western part of the site would be retained and incorporated into the POS space on the site. While this will help to screen the development when viewed from the north-west, it will not overcome the fact that the development will extend the built form of Chepstow towards the village of Pwllmeyric and will obscure views from the link road towards the Estuary.

5.7.4 The Monmouthshire Landscape and Sensitivity Capacity Study (commissioned for the LDP) indicated that this site is medium sensitivity and medium/low capacity for residential development... Due to the positive approach from the west, the intrinsic qualities of the pastoral landscape and the setting of St Lawrence House...Development should be confined to the eastern side of the site to avoid an adverse impact on the setting and view of St Lawrence House and the Wyelands Conservation Area to the south.

5.7.5 A fundamental element of the LDP Vision is to protect and enhance the distinctive character of Monmouthshire's countryside and environmental assets. To highlight the sensitivity and likely impacts of the proposal within the existing landscape and to inform and support the character of development, the applicant has submitted an LVIA. The findings from the LVIA question the Council's own assessment of both landscape character and of its sensitivity to development; these have been re-assessed by Simon White (on behalf of MCC). Simon White concluded that development should be rejected based on landscape and visual grounds.

5.7.6 The application site forms part of a Historic Landscape which has a strong sense of place. The MCC Urban Design Landscape Architect, considers that the obstacle for development on this site is the design / design process of the proposal which should demonstrate how the proposal enhances the character of the area. No GI assets and opportunities plan was provided. The Officer considers that the current scheme is inappropriate development in landscape and design terms. The proposed development strategy has not appraised the design standards set out in the LDP. Any type of development in this sensitive area would have a significant impact on the historic landscape, and no development on this site could protect or preserve the landscape character.

5.8 Biodiversity

5.8.1 The submitted scheme does seek to mitigate the impacts upon priority species including Dormouse and several species of bat and nesting birds. However Policy NE1 considers that mitigating and compensating impacts of development would only be acceptable if the justification for the development clearly outweighs the nature conservation or geological importance of the site; and it can be demonstrated that the development cannot reasonably be located elsewhere. In this case there is no overriding justification for allowing new housing development in this undesignated location. In the interests of ecology it has not been demonstrated that the development could not be reasonably be located elsewhere. It is

considered that new residential development could be provided in a more suitable location which would have a lower overall impact on biodiversity interests. In this case housing development of this scale and in this location would be contrary to the objectives of Policy NE1 of the LDP.

5.9 Archaeology

5.9.1 The supporting information with this application includes assessments regarding the archaeological resource, heritage assets and visual impact. These meet current professional standards and enable recommendations for mitigation to be made by GGAT. As part of the archaeological assessment, a geophysical magnetometer survey was also included to inform the mitigation process. The site is located to the west of Chepstow and the only known archaeological feature in the site is a stretch of the Roman road that linked Chepstow with Caerleon; this is located in the southern part of the site and is a visible feature in the landscape. Other finds and features of pre-historic, Roman and Medieval date are noted outside the boundary of the area and have informed the likely potential for as yet unidentified remains in the site. The results of the geophysical survey showed mainly evidence of previous field boundaries, although noting the potential for archaeological features associated with the Roman road. Whilst the potential for encountering significant archaeological features is considered to be low, and low to moderate, the impact of the development on the archaeological resource will require mitigation and taking into account the evidence and assessment, this could be achieved by the attachment of conditions to any consent. The conditions requested by GGAT include a programme of archaeological works, the fencing off of all features associated with the Roman road and an interpretation board to be placed on the site.

5.10 Drainage

5.10.1 A Flood Consequences Assessment was submitted as part of the application, which found that the proposed residential development lies within Flood Zone 1, the risk of flooding from all sources is assessed to be low and the safety of people is considered acceptable in all foreseeable flooding events. No specific flood management measures are considered to be necessary. The outline drainage strategy set out in this assessment identifies a number of options for the management of surface water runoff using sustainable drainage techniques. The proposed development will not increase the flood risk elsewhere. Owing to the positive outcome of this Level 2 Flood Consequence Assessment there is no reason why the site should not be granted planning permission for development in respect of flood consequence or risk.

5.10.2 NRW has reviewed the submitted FCA and notes that it identifies that several options for the management of surface water using sustainable drainage techniques have been suggested but that no detailed drainage system has been submitted. While the Council welcomes the use of sustainable drainage techniques it would be necessary to impose a condition that a detailed strategic scheme for the whole site be submitted to and approved by the LPA if the development was approved.

5.10.3 Foul sewerage will be connected to the mains drainage system. Welsh Water have confirmed there is capacity in the local drainage network to accommodate the increase in flows attributed to the proposed development. Their formal response is anticipated shortly and will be reported as late correspondence to Committee.

5.11 Recreational Provision

5.11.1 Policy CRF2 of the LDP requires new residential development to provide appropriate amounts of outdoor recreation and public open space in accordance with the standards set

out in the policy. The provision should be well related to the housing development that it is intending to serve. Proposals for new residential development of more than 50 dwellings should also make provision for allotments. The current application is in outline only, with the layout being considered as a reserved matter. The indicative layout plan however indicated a large area of public open space on the western side of the site as well as two areas of open space within the site. The plan indicates that there would be three play areas within the site. This proposed level of recreational provision would meet with the Council's adopted standards, although there is no mention of allotments on the scheme.

5.12 Minerals Safe Guarding Area

5.12.1 All of this site has been allocated under LDP Policy M2 as a Minerals Safeguarding Area. Part a) of that policy says that proposals for permanent development uses within the safeguarding areas will not be approved unless the potential of the area for mineral extraction has been investigated and it has been shown that such extraction would not be commercially viable now or in the future or that it would cause unacceptable harm to ecological or other interests. In this case the applicants have not indicated that they have undergone any such investigation and no evidence has been put forward that the mineral, in this case limestone could be extracted satisfactorily prior to the development taking place. Criterion iii) of part a) of the policy says that in safeguarding areas development could be considered if there was an overriding need for the development. In this case the proposal is contrary to housing policies as it is proposing housing development outside a settlement boundary and there is no overriding need for this development in this location. If mineral extraction was to take place on this site there would be a need to provide a buffer to protect existing residential dwellings in the locality from the impact of minerals working. As a consequence, minerals extraction would not be feasible, except for on a very small portion of the site and this in turn would sterilise land beyond the existing buffer zone site as the buffer zone itself would need adjusting to take account of any new housing on the site. The proposed housing development which is the subject of this application would be contrary to the objectives of Policy M2 of the LDP as the implications for mineral extraction on the site have not been fully investigated.

6.0 RECOMMENDATION: REFUSE

Reasons for Refusal

1. The application site is outside the Chepstow Development Boundary and therefore contrary to the objectives of Policy S1 of the Monmouthshire Local Development Plan (MLDP) and contrary to the housing strategy for the County. Policy S1 states that outside development boundaries planning permission for new residential development will not be allowed. The proposed site is not compliant with the housing strategy of the MLDP as it is a greenfield site outside the town, and is not a sustainable location in relation to accessibility to public transport or by way of access to public amenities, including shops and public services. The proposed site is located within a designated Green Wedge. The proposed residential development, of up to 200 dwellings in this green wedge will prejudice the open character of the historic landscape and will lead to the growth of Chepstow towards the villages of Pwllmeyric and Mounton. If this development was to be allowed it would compromise the separate identity of the settlements of Pwllmeyric and Mounton from that of Chepstow as it would encroach towards them. The application site currently forms a significant open green space with a specific historic context, on this important approach into Chepstow. Development of this scale on this site would be contrary to the objectives of Policy LC6 of the MLDP and also the advice given in paragraph 4.8 of Planning Policy Wales as it would result in the loss of this important green space which is a strategically important view when approaching the town of Chepstow and the Wye Valley. The shortfall in housing land supply in this case does not amount to very exceptional circumstances sufficient to outweigh the harm to the Green Wedge.

2. The application site is a major site in the context of Chepstow and its development could seriously undermine both the MLDP strategy and deliverability of the allocated strategic housing site in Chepstow at Fairfield Mabey. The spatial strategy for Chepstow is based on the premise that the sustainability benefits of the existing brownfield site adjacent to the town centre should be taken full advantage of, while at the same time protecting the sensitive landscape setting to the west. The proposal is contrary to the housing strategy which underpins the LDP.

3. St Lawrence House is a Grade II Listed Building; it is a late 18th Century house retaining much of its character. The setting of St Lawrence House is extremely important to its character, which is defined by the land that is bounded by Mounton Road, the A466 and St Lawrence Lane. This importance is amplified by the fact that so many of the small country house estates have been encroached upon and developed, leaving only St Lawrence of this scale. The development of this prominent site would fail to preserve the setting of this important Listed Building which makes a significant contribution to the landscape character of this area.

4. The proposed housing development which is the subject of this application would be contrary to the objectives of Policy M2 of the LDP as the implications for mineral extraction on the site have not been fully investigated.

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DC/2015/00972

CONSTRUCTION OF 8 DWELLINGS (3 AFFORDABLE UNITS AND 5 MARKET HOUSES)

LAND ADJACENT TO WALNUT TREE COTTAGE, NEWPORT ROAD, LLANGYBI

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Registered: 04/10/16

This application was presented to Members at the meeting on 6th December 2016 with a recommendation for refusal. The previous report is attached. The decision on the application was deferred in order to consider amendments to the proposed layout and design of development.

Amended plans have now been submitted showing alterations to the design of the residential units and with an amended layout showing a less engineered access roadway and a more rational parking arrangement. Amendments have also been made to the two flats on plots 5 and 6. The entrance has been relocated to the northern side of the building and there is now a covered stairway. There are now only two windows on the north-east elevation (facing towards Llangybi House) and these both serve a bathroom.

The application is now re-presented with a recommendation for approval.

RECOMMENDATION: Approve subject to a s.106 legal agreement requesting that three of the units be affordable units and passed on to a social housing provider.

Conditions/Reasons

1. This development shall be begun within 5 years from the date of this permission.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.
3. Permitted development rights removed for plots 1 and 2 .
4. No removal of hedgerows, trees or shrubs, including bramble, that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To comply with the provisions of the Wildlife & Countryside Act 1981 (as amended)

5. No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site if necessary) and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.

Reason: To comply with the provisions of the Wildlife & Countryside Act 1981

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

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

The scheme shall thereafter be implemented in full prior to the development being brought into use.

Reason: To have regard for Biodiversity in accordance with LDP policy NE1 and Natural Environment and Rural Communities Act 2006.

7. There shall be no raising of ground levels within the flood zone.

8. Development to be carried out in accordance with the Protected Species Survey Report 12th June 2015 By John Morgan of Shropshire Wildlife Surveys

9. No development shall commence until a drainage scheme has been submitted and approved in writing with the local planning authority, for the disposal of foul, surface and land water including an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development. No further foul, surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: to prevent hydraulic overload of the public sewerage system.

10. A Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the first dwelling. The Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be managed; hedgerow, grassland and watercourse edge, (field access).

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard all Green Infrastructure Assets at the site in accordance with LDP policies, DES1, S13, G11, NE1, EP1 and SD4.

PREVIOUS REPORT AND RECOMMENDATION

DC/2015/00972

CONSTRUCTION OF 8 DWELLINGS (3AFFORDABLE UNITS AND 5 MARKET HOUSES)

LAND ADJACENT TO WALNUT TREE COTTAGE, NEWPORT ROAD, LLANGYBI

RECOMMENDATION: REFUSE

Case Officer: Kate Young

Date Registered: 04/10/16

1.0 APPLICATION DETAILS

1.1 This is a full application, for eight residential units. Four of these units would be three bedroom detached units for the private market with 3 parking spaces each. One would be a four bedroom market dwelling. The rest of the site would be developed for affordable housing comprising, two, one bedroom flats and a two bedroom house. There would be a single access into the site from Newport Road and a footpath link though to the Green in front of the Post Office on Church Lane. The hedge along the front of the site would be translocated to provide visibility splays. In addition to the parking provision for the new dwellings, two parking spaces and a turning head would be provided for the benefit of the occupiers of Walnut Tree Cottage, a listed building which currently has no off street parking provision.

1.2 The site is within the Llangybi Development Boundary identified in the LDP. A Tree Report, Flood Risk Assessment and a Prospected Species Survey Report were submitted as part of the application. Following negotiations with officers the scheme has been significantly amended and the number of units reduced.

1.3 Since this application was originally submitted, the design of the scheme has been amended following negotiations with officers. However further amendments have been requested but the applicant's agent is unwilling to make any further changes.

2.0 RELEVANT PLANNING HISTORY

DC/2010/01031 Repositioning of Vehicular Access, construction of hardstanding and drive for residential vehicular traffic for Walnut tree Cottage and the allocated housing site. COU of part of the existing Paddock to Residential Use. Approved 20/12/2012

DC/2009/00823 Repositioning of Vehicular Access – Withdrawn

GW05769 COU to Vehicular Access Approved 12/12/2077

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing Provision

S2 – Housing Provision

S4 - Affordable Housing Provision

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

Development Management Policies

H2 Residential Development in Main Villages

NE1 – Nature Conservation and Development

DES1 – General Design Considerations

EP1 – Amenity and Environmental Protection

CRF2- Outdoor Recreation, Public Open Space, Allotment Standards and Provision

SD4 - Flood Risk

SD5- Sustainable Drainage

MV1 – Proposed Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Llangybi Community Council – Objects initial response)

Only 4 Affordable Houses are being provided rather than the 6 required

Excess pressure on the sewerage system
Increase traffic accessing onto the highway.

Comments received 18/05/16 – Objects; Dangerous access.

Planning Policy

Llangybi is identified as a Main Village in Strategic Policy S1 of the Local Development Plan (LDP). The site appears to be located wholly within the Village Development Boundary (VDB) following discussions previously at the pre-application stage and subsequent plan revisions, the principle of development is therefore considered acceptable under Policy S1 and H2 of the LDP, subject to detailed planning considerations.

Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The emerging Affordable Housing Supplementary Planning Guidance (as reported to the Council's Select Committee on 16 July 2015) contains a specific section (Section 4.4 D) in relation to sites that are not specifically allocated in the LDP in Main Villages and sets out the Council's intended approach to such proposals. It is estimated that the theoretical capacity of the site would relate to more than 10 dwellings, however a development of this nature is unlikely to be in keeping with its surroundings. In this respect criterion (I) of Policy DES1 would come into consideration stating that development proposals will be required to ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive and inappropriate infilling. As the site is relatively large it is considered that it would not be appropriate to depart from the Council's normal practice of requiring on site affordable units. It is noted that the amended scheme results in the loss of two units there has been a consequential loss in one affordable unit at the site. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016, Section C paragraph C.2.a) refers to non-allocated sites of 3 or more dwellings in Main Villages. Paragraph C.2.b) refers to the density requirements set out in Policy DES1 i) in addition to criterion I) relating to ensuring existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling. As noted previously it is estimated that the theoretical capacity of the site would relate to approximately 10 dwellings, however a development of this nature is unlikely to be in keeping with its surroundings. The site has been reduced in size to accommodate the flooding issues and like the previous scheme relates to approximately 24 dwellings per hectare. The proportion of affordable housing nevertheless still relates to over 35%, satisfying Policy S4 in principle.

It is noted that there are existing fences that are proposed to be extended as necessary and that existing hedgerows are retained on parts of the boundary providing a defensible natural boundary. Key trees are also incorporated into the site layout, however there will be some loss of vegetation in order to enable development. Policy NE1 Nature Conservation and Development should be referred to relating to mitigation and compensation and Policy GI1 relating to Green Infrastructure must also be referred to.

Policy DES1 must be referred to in full along with Policy EP1 relating to Amenity and Environmental Protection, the use of traditional materials is welcomed. Finally, the Flood Risk Assessment refers to the inclusion of SUDs, satisfying Policy SD4. The Design and Access Statement and Code for Sustainable Homes information refer to the inclusion of an Air Source Heat Pump and PV panels. I could not see any detail of this in the elevation drawings or site layout, both of these would nevertheless be supported by policy SD1 relating to Renewable Energy and SD2 relating to Sustainable Construction and Energy Efficiency.

Highways.

Response to original layout:

The layout as presented is not supported.

The layout is not adoptable.

The footpath extends to the edge of the site but does not indicate that the footpath must be extended beyond at the expense of the applicant and this land is outside the control of the applicant.

The layout as shown does not indicate the edge of the adoptable highway. It is important to be able to distinguish highway from private drives and how private access layout fits into the scheme.

There are no details of how the private driveways are drained away from the adoptable highway or any adoptable drainage and discharge.

These details must be confirmed prior to any approval of the application otherwise adoption of the highway may not be permitted and no pedestrian access / egress of the site in a safe manner will be available.

A revised layout plan has been submitted and has been forwarded to Highways for comment. Their response is awaited.

MCC Public Rights of Way

The Active Travel Bill (Wales) requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. Although there are no public rights of way at the site, compliant with the Bill's requirement Countryside Access welcomes the pedestrian link running north - south through the site forming a connection to the 'Highway' adjacent to the Pub and Post Office. Concrete details of how this is to be achieved and how it will be protected for the public should however form part of the application. A planning decision should not be made before this information is forthcoming. I understand Highways also have concerns about the status of the roads/paths and their potential for adoption. All routes should also be upgraded to footpath/cycleways status and buffered so as to provide pleasant convenient access. Countryside Access is also concerned about the lack of provision for links to the land to the east should this be developed in the future. The applicant should therefore either make provision for this eventuality or demonstrate that this is unlikely to happen.

MCC Heritage (comments on the scheme as originally submitted)

a) Density in this location on the edge of the village is characterised by more scattered buildings. I know that on the west side of the road there is dense modern development but on the east around Walnut Tree, White Hart and the medieval parish church it retains a more historic character and I think a significantly smaller development for this site would therefore be more appropriate.

b) The entry into the village from south will change from the road being bordered by substantial trees/hedging to being opened out into new housing - a fewer number of units might allow for retaining a bit more of the present character of the approach to the village.

c) Some details of the proposed houses would benefit from further consideration e.g. the mix of roof pitches where houses appear to have an asymmetrical pitched roof in front of a taller roof? Also the combined door and window is best avoided. The affordable houses should have chimney stacks as well. The outside stairs to the flats is too massive - as drawn it appears to be covered which is not necessary.

d) With regard to the specific issue of the setting of the listed building, some development would be acceptable but I think what is proposed here would risk being obtrusive to this setting on account of its scale. Walnut Tree Cottage is relatively long and low and the proximity of the proposed houses with quite different proportions could be detrimental.

Natural Resources Wales (NRW)

We acknowledge receipt of the e-mail dated 10 June 2016, from Chris Wood of Brown Fisher Environmental, enclosing a copy of the flood model for the proposed development site at Walnut Tree Cottage.

We have reviewed the 1D Hec-Ras model by Reports 4 Planning to evaluate its suitability to inform the Flood Consequences Assessment (FCA), referenced 16FRA3754FCA, dated March 2016. We are satisfied that the modelling is appropriate to inform the FCA.

We note the change in layout and that 8 dwellings are proposed as shown on revised site layout plan (Drg No. 1315:1716:06 Revision E, dated 7 April 2015). The revised layout plan shows that only the gardens of two dwellings are located within the extreme 0.1% flood outline.

Therefore, provided that the revised site layout plan (Drg No. 1315:1716:06 Revision E) is implemented as shown, we have no objection to the application. We recommend your authority secures this through planning condition.

We also advise that if your authority is minded to grant planning permission, then permitted development rights should be removed from any part of the site shown to be at risk of flooding on the revised layout plan (Drg No. 1315:1716:06 Revision E). There should also be no land raising in that area.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users. We recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

Housing Officer

2B4P House type:

- * Notional floor area in the ACG guidance is 83sq.m, but this house seems to meet the space standards of DQR within the 80sq.m provided.
- * Adequate storage seems to have been provided.
- * No detail is provided on the position of the bath, WC and wash-hand basin, however, the room is of sufficient size to adequately orientate and include these
- * Details on kitchen units provided will need to be given and M&E layouts will need to be produced to ensure that sufficient sockets, switches and light fittings are provided in each room.
- * Presuming gas fired boilers will be provided, sufficiently sized radiators will need to be detailed on the plans.
- * It seems noted on drawing that an "FP" or fireplace is to be provided; it would be beneficial if this wasn't provided.
- * The stairs should not be tapered or winding
- * No details shown on garden; it should be ensured that:
 - o A usable area of 40sq.m is provided including a nominally level paced area no smaller than 3m x 3m
 - o Provide paved access to a drying line and garden gate

- o No usable part of the garden should slope towards the house at a gradient steeper than 1:8
- o No part of the garden should slope away from the house at a gradient steeper than 1:12 (ideally 1:15)

1B2P Flats:

- * The 50sq.m floor area provides the storage requirements required for this type of property
- * The cupboard in the bathroom could be repositioned to avoid the creation of a “u-shaped” bathroom
- * Details on kitchen units provided will need to be given and M&E layouts will need to be produced to ensure that sufficient sockets, switches and light fittings are provided in each room
- * Presuming gas fired boilers will be provided, sufficiently sized radiators will need to be detailed on the plans
- * The first floor flat is proposed to have an external covered staircase. I’d suggest that further detail on the construction of this stairs is sought; I appreciate that it needs to be in keeping with the surrounding development, however, we’d have safety concerns on the robustness and lifecycle of the materials used as well as ensuring that appropriate flooring is used on the treads and handrails.

MCC Urban Design, Landscape Design and Green Infrastructure

We have no objection to this proposal, subject to some minor changes. We also request that some details of their proposal are conditioned, to ensure they meet national and local plan policy.

Items to be conditioned.

1. No close-board fencing or temporary fencing over 1100mm should be constructed along Newport Road.
2. Material choice and detail design to the roadway and footway within the development should be provided to and approved by MCC; before commencement of proposal.
3. Further details of their SuDS should be sought and approved by MCC; before commencement of proposal.
4. A green infrastructure management plan should be provided to and approved by MCC; before commencement of proposal.
5. Further details of hedge translocation should be provided to and approved by MCC; before commencement of the proposal.

Changes

1. Details of building materials (specification) should be revised on drawing 1315:1716:04B.
2. The parking layout for H5 & H6 and arrangement of ‘fenced’ boundary for H4 needs revising.
3. The hedgerow bounding the parking for H5 & H6 through to H4 should be removed.
4. A hedgerow should be extended to southern wall of garage - property H4.
5. Hedgerow should be extended to eastern wall on garage H3.
6. The parking layout at H2 should be amended.
7. The landscape masterplan should include a tree pit detail and include details of growing medium for proposed hedgerow planting.
8. They have not identified grass area (to the east of the proposed development) as public open space, or identified it as a GI asset. This should be addressed in their revised submission.

Notes are suggested:

GREEN INFRASTRUCTURE (GI)

MAIN ISSUE - Protecting and enhancing Monmouthshire diverse natural environment, landscape character and green infrastructure network. To improve the layout and design of their proposal we encouraged the applicant to use GI as an overarching design principle. We believe that embracing GI at the outset of the design may have provided a better environment for the proposed development. The applicant submitted a substantial green infrastructure appraisal, but this has had little impact on their proposal or layout; there are a number of missed opportunities.

URBAN DESIGN

MAIN ISSUE - Place making and design: Development should be of a high quality sustainable design; respecting the local character and distinctiveness of Monmouthshire's built and natural environment. The location of the proposed development will have a significant impact to Llangybi's southern point of arrival and will also contribute towards Llangybi's sense of place. The design and choice of materials for the proposed development are very important considerations.

Timber close board fencing along the main road corridor would be considered unacceptable; it's still not clear what they are proposing here. **No close-board fencing or temporary fencing over 1100mm should be constructed along the main road.**

The applicant should have used MfS's hierarchy when designing the layout of the development; the needs of pedestrians should have been considered first and should have been made a priority.

A pedestrian route through the site will be a valuable asset to residents and to the wider community, and it is also a significant GI asset. Careful consideration in the detailed design would have provided a direct route through the site and would have enhanced the character of the development. Traffic management within the site (turning area) is a consideration (during the design process) but we have missed an opportunity to incorporate this space into the 'street design'. **Opportunities to consider are conditioning the choice and design of proposed surface materials.** A better quality surface treatment (to the footpaths & turning areas), the inclusion of street furniture, textured kerbs (also considering kerb height) and street tree planting, as an integral part of the street-scene will go some way to create a place for people, cars and fortnightly refuse trucks.

The style of units H7 & H8 should reflect that of Walnut Tree cottage. We would suggest roof pitches angled to match that of the cottage, the colour of render and detailing (chimney etc.) should also complement the existing unit. **Details of building materials (specification) should be revised on drawing 1315:1716:04B.** A slight change of roof height, between the three units (either through site levels or unit height) will also add some contrast to the street-scene.

LANDSCAPE MASTERPLAN / LANDSCAPE PLANTING PROPOSALS

MAIN ISSUE – To Include landscape proposals for the new building(s), in order that they integrate into their surroundings. Protecting and enhancing Monmouthshire diverse natural environment, landscape character and green infrastructure network. The applicant has provided adequate information on landscape planting proposals, but

Suggested changes

1. The parking layout for H5 & H6 and arrangement of 'fenced' boundary for H4 needs revising.
2. The hedgerow bounding the parking for H5 & H6 through to H4 should be removed.
3. A hedgerow should be extended to southern wall of garage for property H4
4. Hedgerow should be extended to eastern wall on garage H3.
5. The parking layout of H2 should be amended.
6. The landscape masterplan should include a tree pit detail.
7. Details of growing medium for proposed hedgerow planting should be provided.
8. They have not identified grass area (to the east of the proposed development) as public open space, or identified it as a GI asset.
9. We identified an opportunity to improve a hedgerow adjacent to the development.

The inclusion of a SuDS within the site is welcomed. They are proposing to construct small rain gardens to all units. We would require further details on their proposal, including connectivity to soakaway.

MCC Biodiversity

Thank you for the consultation for the above scheme. I refer you to the earlier comments made by my former colleague, Aidan Neary for the site on the DC/2014/00262 application. I note that he has recommended several planning conditions. I suggest slight re-drafts and updated reasons for these conditions.

The Landscape Masterplan indicates that there is now a 25m buffer zone at the southern end of the site between the residential area and the Glan y Nant stream. This is identified as an area to be managed by the management company. A simple management plan for this area should be secured via the planning process in accordance with LDP policy NE1. Aidan's recommended condition for a 3m buffer area is no longer required. If the field area is to have public access, the management plan should be a GI management plan and include

Following a site visit (03/03/2014) it is evident that the mature poplar trees at the southern end of the site have been felled since the 2011 ecological survey. Some of the felled trees have been left in situ while the majority have been cut and stock piled. The site now provides suitable reptile habitat, in particular for slow worm, in the form of tussocky and short grassland, scrub and wood piles refuges. However, the site is bordered by the A472 to the west, residential gardens to the north east, a stream to the south and improved agricultural grassland to the east and is therefore relatively isolated from neighbouring reptile habitat.

Whilst we normally ask for reptile surveys prior to determination the site is relatively isolated from other habitat and is only likely to support a relatively small reptile population. This assessment is supported by the ecological survey which states that small numbers of reptiles might be present within the site. The site contains areas of dense bramble scrub which provides suitable bird nesting habitat. In addition, a wren was observed carrying nest material into this scrub as well as a male blackbird showing territorial behaviour. All British birds are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Welsh Water

The site is crossed by a public sewer there shall be no operational development within a 3 metre wide easement.

No problems are envisaged with the waste treatment work for the treatment of domestic discharge.

No objection with regards to the water supply but the site is crossed by a 4 inch distribution water main. It may be possible for this to be diverted. Outlines conditions related to the water main and the need for a drainage scheme related to foul, surface and land water.

4.2 Neighbour Notification

Letters received from five addresses

The site floods several times a year.

If mitigation measures are put in place to prevent flooding on the development site, this may exacerbate flooding on neighbouring sites.

New dwellings need to be repositioned away from the flood area.

Units are too close to Llanybi House, damage to tree roots and loss of privacy

Damage to wildlife habitats and carbon sequestration

Move new dwellings away from boundary to protect tree roots

Concern over pedestrian safety and traffic accessing the site

No footpaths access in the site
Over development
Insufficient parking
Additional traffic hazard
Dangerous road junction close to a blind bend
DAS is inaccurate as neighbouring property is not totally screened by existing vegetation
Impact on commuting bats.
The existing shared access to the site is not in the applicant's ownership.
The application is invalid as it included land not in the applicant's ownership.
Neighbouring property has highway rights over the field
There is a highway sign on the land.
The land of Church Lane is also not in the applicant's ownership but it is shown as part of the application site.
There is a highway drain running under the field.
I already have planning permission for a family house on the plot next to this proposed development. The current design of the proposed 3 bedroom houses overlooking my plot is unacceptable on privacy grounds as the upstairs windows would look directly into the upstairs bedroom windows of my home.

5.0 EVALUATION

5.1 Principle of development

5.1.1 The site is within the Llangybi Village development boundary. Policy S1 of the LDP allows for new residential development within such boundaries and Policy H2 expands upon this saying that within Development Boundaries planning permission will be granted for new residential development, subject to detailed planning considerations, including there being no adverse impact on the village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses. The land is currently orchard and grassland therefore the principle of residential development on this site is established but all the detailed considerations need to be taken into account. In 2012 planning permission was granted for a new vehicular access, in the position indicated on the current scheme; thus,, the principle of a vehicular access in this location is also established.

5.2 Affordable Housing

5.2.1 Policy S4 requires that within Main Villages identified in Policy S1 there will be a requirement for at least 60% of the dwellings on the site to be affordable. However The Affordable Housing Supplementary Planning Guidance which was adopted in March 2016, looking in more detail at non-allocated sites within Development Boundaries. Section C paragraph C.2.a) refers to non-allocated sites of 3 or more dwellings in Main Villages. Paragraph C.2.b) refers to the density requirements set out in Policy DES1 i) in addition to criterion l) relating to ensuring existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

5.2.2 Paragraph C.2.b states that
"The Council recognises that in most cases applying this percentage, together with the density requirements of Policy DES1 i), to small infill sites within the fabric of existing villages could result in a density of development that is out of keeping with its surroundings. In such cases, criterion l) of LDP policy DES 1 would need to be considered. This states that development proposals will be required to ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling. In such circumstances, it is considered

likely that the requirements of Policy S4 and Policy DES1 i) could be relaxed on infill plots in Main Villages to allow a smaller percentage of affordable homes and a lower density of development than 30 dwellings per hectare.

On larger sites in Main Villages where it should be feasible to provide affordable housing on site then this would be the preferred option and the number of affordable homes required will normally be set at 35% of the theoretical capacity of the site (at 30 dwellings per hectare), subject to viability considerations and the effect of the development on the character and appearance of the area.”

5.2.3 The above guidance is relevant in this case as the site has not been specifically allocated as a 60/40 site in the LDP and is therefore classified as infill development within the Village Development Boundary. In this circumstance it is appropriate that 35% of the dwellings should be affordable. In this case three of the 8 proposed units would be for affordable housing which complies with the 35% required by the advice in the SPG. From the submitted drawings it shows that the proposed flats would have an external staircase and very little external amenity space. A bin store and external drying area would be required to comply with DQR standards. There would be very little privacy for the occupiers of the ground floor flat.

5.3 Layout and Design

5.3.1 The proposed layout shows the proposed dwellings accessed off an adoptable roadway; all of the dwellings face onto the highway so that the rear elevations of plots 7 and 8 face towards the main road through the village. It is proposed that the hedge among this boundary would be translocated; this will have a better visual impact than if these rear gardens were surrounded by close boarded fencing. The site is visually prominent on this approach into the village but the road frontage of the scheme would comprise the rear elevations of two dwellings and the built form of a double garage. This arrangement does not relate well to the rest of the village form. There will be hedgerows planted within the site and along the southern boundary. The land to the south of the site will be left as green open space to be maintained by a management company. There would be a footpath link through the site linking through to the existing “Green” giving access to the public house, shop and church. Within the site its self the development is over-engineered with a high proportion of hard surface, driveways and unnecessary turning area. The dwellings, especially units 2, 3 and 4, will be set back behind the garages with very little street presence and no defined street scene. Some of the car parking provision for units 7 and 8 would be set on the opposite side of the road from the dwellings in front of the flats (units 5 and 6); this is not a desirable situation in design terms. The one bed flats, unit 5 and 6, would have an external staircase the appearance of which is out of character with all other residential development within Llangybi and may draw attention to the fact that these flats are intended as affordable housing. In addition the affordable units on the site would all have minimal external amenity space. All of the dwellings will all be finished in high quality materials with slate roofs, render to the walls, soft wood painted fenestration and cast iron rainwater goods. Plots 2, 3 and 4 will also have natural stone to their gables. The proposed double garages, all detached would be of standard size, finished in materials to match the dwellings and with a maximum ridge height of 4.4 metres.

5.4 Residential Amenity

5.4.1 There are several properties potentially affected by this proposal. The first is Walnut Tree Cottage, which is a grade II listed building, is a two storey dwelling with the main door and living rooms on the eastern elevation, overlooking the garden. The residential amenity assessment and GI Masterplan show that the garden will become once again screened on the eastern and southern boundaries by newly planted hedgerows which will be maintained at a height of 1.8m. As a result, there will remain only a narrow framed view from the

pathway and parking spaces at plots 5 and 6 across the new hardstanding area; further hedgerow planting is proposed around the garden adjacent to the new hardstanding area to ensure the minimum loss of privacy to occupiers of Walnut Tree Cottage. From the inside of the house there will be only very limited views of the proposed development from the first floor windows on the eastern elevation.

5.4.2 The northern and western boundaries and aspects of Walnut Tree Cottage will not be impacted by the development. The south-west boundary of the property is currently formed by overgrown, unmanaged trees and shrubs. The visibility splay and translocation of roadside hedge bank required by consent DC/2010/1031, will have the effect of opening up the southerly aspect of Walnut Tree Cottage to views from the adjacent pavements on Newport Road. Walnut Tree Cottage will be screened by the proposed new planting along Newport Road. There are no windows or doors in the southern elevation of Walnut Tree Cottage and only a small window in the western elevation.

5.4.3 To the south of the site is the two storey dwelling Kinvara, it has first and second storey windows on the north elevation facing towards the proposed garage of plot number 1. At present there is a post and wire fence along this boundary but it is proposed to plant a new hedge. Kinvara has a blank gable wall on the east elevation which faces toward the rear garden of the proposed dwelling at plot 1. The relationship between Kinvara and the proposed dwelling at plot 1 is acceptable and will not result in a loss of privacy or have an overbearing impact.

5.4.4 To the east of the site beyond a close boarded fence is the rear garden of Llanybi House. The house itself is located a significant distance from the common boundary but in 2015 planning permission was granted for a new dwelling in the grounds. The rear elevation of that approved dwelling will face towards plots 2, 3 and 4 of the proposed site. In places there is less than 10 metres between the rear elevations of plots 2, 3 and 4 and the common boundary with Llanybi House. This will result in an unacceptable level of overlooking particularly from first floor windows. The flats within plots 5 and 6 are less than two metres from the common boundary; the first floor bedroom window would directly overlook the garden to Llanybi House; the two storey structure being so close to the boundary would have an over bearing impact on the neighbouring property. At present there is a timber fence and privet hedge along this boundary but it is proposed that the vegetation be removed and just the fence be retained, this will exacerbate the level of overlooking from the proposed dwellings into the adjoining site.

5.5 Impact on the Listed Building

5.5.1 Walnut Tree Cottage, the Grade II Listed Building, is located on the northern boundary of the site. It is a long, low dwelling with dormer windows and is surrounded by mature vegetation and at present does not have the benefit of a vehicular access or off street parking. The current application would provide both a vehicular access and off street parking. The scheme has been amended and now plot 7 has a low ridge height and dormer windows to reflect the character of the adjacent listed building. The proposed development is set a respectable distance from Walnut Tree Cottage so as to respect its setting. The proposal will include removal of an overgrown hedge to the east of the property and this will allow glimpses of the listed building from the main road, thus increasing the visual contribution that the building makes to the local area.

5.6 Highway Safety

5.6.1 A vehicular access has already been granted in the position proposed in this area. The access drive from Newport Road into the site and the new parking area at the adjacent Walnut Tree Cottage received planning consent (with conditions) on 20 December 2012.

(DC/2010/1031) subject to a s.106 Agreement providing £10,000 towards improving highway and implementing traffic management improvements in the vicinity of the area. The agreed access point has adequate visibility, facilitated by the realignment of the roadside hedgerow to the west of the site. Sufficient car parking spaces are being provided in accordance with adopted Council supplementary planning guidance. However this is being provided in a very convoluted manor with spaces being provided outside their own curtilages, on the opposite side of the road and with many of the dwellings having a turning area within their curtilages. The over-engineered design for the car parking has resulted in a large amount of hardstanding within the site, pushing the units back in their plots and limiting the size of rear gardens. The road and pavements within the site and the proposed pathway from the north of the site to the village Post Office could be adopted by the County Council as Highway Authority. The development also includes a footpath link through the site to the village green and community facilities.

5.7 Flooding

5.7.1 Part of the site is within a Flood Risk Zone B as identified in Tan 15. In addition there is anecdotal evidence that part of the site is liable to flooding. The applicants have provided a Flood Consequences Assessment as part of the application. In addition the scheme has been amended and the dwellings that were in the flood zone have now been removed from the scheme. In light of these changes NRW have no objections to the application as the revised layout plan shows that only the gardens of two dwellings are located within the extreme 0.1% flood outline. The recommendations of the FCA would need to be complied with and the dwellings could incorporate flood proof measures. The amended proposal now accords with the objectives of Policy SD3 of the LDP.

5.8 Drainage

5.8.1 It is proposed that the foul sewerage will discharge into a mains sewer. Welsh Water has no objection to this but requests that a drainage scheme for the disposal of foul, surface and land water be submitted. This should include an assessment of the potential to dispose of surface and land water by disposable means. It is proposed that surface water be disposed of via a sustainable drainage system, with each individual plot having its own system.

5.9 Other issues raised

5.9.1 The ownership of the land and the rights of way over the application site are a private legal matter and not a material planning consideration.

5.10 Response to Community Council representations

5.10.1 All these issues have been addressed in full in the main body of the report. While the principle of residential development on this site is acceptable in policy terms, the layout of the proposal is not acceptable on design grounds.

6.0 RECOMMENDATION: REFUSE

1. The proposed development represents a poor quality of design and layout. The proposal comprises an overly-engineered, highway-dominated layout with little regard to creating a sense of place for future residents or to the character of the surrounding village. Dwellings on plots 2, 3 and 4 are set back in the plots, behind garages and do not relate well to the street scene. The siting and orientation of plots 7 and 8 turn their back on the main street through the village and the entrance to the site is characterised by the blank gable to

plot 8 and the blank elevations to the detached double garage to plot 1. The proposal is therefore contrary to LDP Policy DES1 and paragraph 9.1.1 of Planning Policy Wales.

2. The proposed dwellings themselves are poorly designed, with specific reference to blank elevations and inconsistent and unbalanced fenestration in terms of positioning and size of openings and dormers. The proposal is therefore contrary to LDP Policy DES1 and paragraph 9.1.1 of Planning Policy Wales.

3. The proximity of plots 2, 3, 4, 5 and 6 to the common boundary with Llangybi House results in a unacceptable level of overlooking to the detriment of the amenities of the occupiers of adjoining properties (including the approved but not yet constructed dwelling to the rear of Llangybi House). The proposal is therefore contrary to LDP Policy EP1 and paragraph 9.1.1 of Planning Policy Wales.

4. The external covered staircase serving plot 6 creates an uninviting entrance to that unit and creates an unacceptable level of overlooking to the rear garden to plot 4 to the detriment of the amenities of the occupiers of that property. The proposal is therefore contrary to LDP policies DES1 and EP1 and paragraph 9.1.1 of Planning Policy Wales.

DC/2015/01588

CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 2 NO. DWELLINGS

THE OLD SMITHY, 34 MARYPORT STREET, USK, NP15 1AE

RECOMMENDATION: REFUSE

Case Officer: Andrew Jones
Date Registered: 14.01.2016

1.0 APPLICATION DETAILS

1.1 This application was previously presented to Planning Committee on 6th December 2016 with an officer recommendation for approval. However, Members did not agree with this recommendation and following a motion to refuse by the local Ward Member, it was resolved to defer the application for refusal. Members expressed concerns that the proposal to create two dwellings was an over-development that would not be able to provide the required off street parking standards in an area where on street parking is prevalent and is harmful to the amenity of local residents.

1.2 Should Members still be minded to refuse the application the following reason is provided:

Reason for Refusal

1. The proposal to create two dwellings is considered to be an over-development of the site which would fail to provide sufficient off-street parking in an area where on street parking is prevalent and where the lack of available parking close to homes causes congestion and displacement of parking, inconvenience to residents and significant harm to local amenity.

1.3 The previous report and recommendation are below.

PREVIOUS REPORT

DC/2015/01588

CONVERSION WITH ALTERATIONS AND EXTENSIONS TO FORMER GALLERY TO PROVIDE 2 NO. DWELLINGS

THE OLD SMITHY, 34 MARYPORT STREET, USK, NP15 1AE

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones
Date Registered: 14.01.2016

1.0 APPLICATION DETAILS

1.1 This application is a currently vacant gallery, known as the Old Smithy, which is located on the western side of Maryport Street and to the north of the junction with Priory Gardens and Old Market Street in the town of Usk.

- 1.2 Planning permission is sought for the conversion of the building to provide two dwellings (a 3 bedroom and 2 bedroom) and this would be facilitated by a two storey rear extension. The extension has been amended from a large two storey gable, to a part two storey and part single storey lean-to. With regard to external materials these would include natural roof slate, painted smooth render, conservation-style roof lights and timber joinery.
- 1.3 The building is not listed but does sit within the Usk Conservation Area (Policy HE1) and also an Archaeologically Sensitive Area (ASA).
- 1.4 The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Floor Risk (TAN15) (July 2004).
- 1.5 The application is presented to Planning Committee at the request of the Delegation Panel.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 The Spatial Distribution of New Housing Provision
 S2 Housing Provision
 S4 Affordable Housing Provision
 S7 Infrastructure Provision
 S12 Efficient Resource Use and Flood Risk
 S13 Landscape, Green Infrastructure & the Natural Environment
 S16 Transport
 S17 Place Making & Design

Development Management Policies

H1 Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
 NE1 Nature Conservation and Development
 EP1 Amenity & Environmental Protection
 DES1 General Design Considerations
 HE1 Development in Conservation Areas
 MV1 Proposed development and Highway Considerations
 SD3 Flood Risk

4.0 REPRESENTATIONS

4.1 Consultations Replies

Usk Town Council (original observations) recommends refusal of the application on the basis that it is considered the proposed extension to the rear of this building is a gross intrusion of the privacy of neighbours, both sides. The proposed new kitchen window is less than 1m from adjoining kitchen window. The proposed 1830mm fence will block views and light from the old church building kitchen window.

In relation to revised plans – Recommend refusal for the same reasons previously itemised. The plot is too small for two houses and very intrusive to both neighbours.

MCC Heritage (in respect of original plans) - The proposed development is located next to 32 Maryport, which is a grade II listed building.

With regards to the proposed extension this is a large development on the rear of a comparatively compact building, converting the one unit into two. The scale and mass of the rear proposed extension is too large. The extension impacts on the listed building with overlooking issues from the rear windows. In principle an extension would be acceptable providing it was in keeping with the scale of the host building and respected the setting of the listed building. On the basis that the proposed extension is too large and affects the setting and character of the listed building this application cannot be supported and should be refused.

MCC Planning Policy - . I can confirm that the development of this site meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations.

Strategic Policy S4 applies relating to Affordable Housing Provision. While the proposal would fall below the five dwelling threshold in relation to affordable housing in Rural Secondary Settlements, the sixth bullet point of S4 relates to financial contributions to the provision of affordable housing in the local authority area for proposals below this threshold. Such contributions will be requested if the application is determined once there is relevant adopted SPG in place. The SPG has been out to public consultation but is not yet adopted, it is scheduled to go through the relevant Committee cycles in February 2016.

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. Strictly speaking 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 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.

In addition to the above, the site is located within the Usk Conservation Area, Policy HE1 must therefore be referred to along with Policy HE2 relating to alterations of unlisted buildings in Conservation Areas. While the existing building is not listed, the adjacent dwelling is, as there is no specific local planning policy in relation to listed buildings it is important to ensure DES1 in relation to General Design along with Policy EP1. The site is located in an Area of Special Archaeological Sensitivity, National Planning Policy Guidance set out in Chapter 6 of Planning Policy Wales therefore applies.

Finally, the Council is currently progressing the implementation of a Community Infrastructure Levy (CIL). At present it is envisaged that CIL could be adopted towards the end of 2016. If the planning application was approved after the adoption of CIL then the development could be liable to the payment of a CIL charge.

Natural Resources Wales - does not object to the proposed development subject to an appropriately worded condition being attached to any planning permission your Authority is minded to grant relating to flood risk management.

MCC Highways – (original observations) Supplementary Planning Guidance, Monmouthshire Parking Standards 2012 specifies that 1 car parking space shall be provided per bedroom per property with a maximum of 3 car parking spaces per dwelling. The application site therefore requires a total of 6 car parking spaces, 3 for each dwelling. However, the proposal as presented shows no car parking to be provided for either dwelling.

On street parking along Maryport Street is already at an absolute maximum therefore there is insufficient capacity to accommodate an additional 6 vehicles associated with the development. The existing gallery has been disused for some time therefore the site does not attract any vehicular traffic that contributes to the existing on street parking. In the event the site is reopened under its current use visitors are likely to arrive on foot from the public car park whilst visiting Usk Town therefore would not exacerbate the existing on street car parking situation.

For the reasons stated above it is recommended that the application be refused.

Second Observations - The subdivision of the building will intensify the parking problems already experienced in this residential area of Usk. The comments provided that on street parking will be utilised is of serious concern as the adjacent highway is an important through route and a very busy one. There is unlikely to ever be six available parking spaces in the close proximity to the building. Usk, does not enjoy an abundance of public parking spaces and it is unlikely that specific spaces will be allocated within the public car parks for residential purposes.

I would be more inclined to support the conversion to a single dwelling with a maximum of three parking spaces required and can be accommodated within the environment surrounding the building.

I would not wish, from a highway viewpoint, to support the subdivision of the building for residential use.

Final Observations - The following comments and observations are provided following the applicants submission of photographic evidence indicating the extent of available on street parking in the immediate vicinity of the proposed conversion of the studio to two 3 bedroom residential units.

The photographic analysis submitted is not definitive and very subjective in respect of identifying the available on street parking at any given time of the day, no physical measurements have been carried out, nor any allowance taken in respect of the sizes of vehicle that may take up the spaces or inappropriate and poor parking etc. Therefore it is my opinion that the actual level of available on street parking may well be less than indicated and in the absence of a full and detailed technical review I would recommend that the level of parking available is less than indicated.

The proposal would require the provision of 6 on-site parking spaces in accordance with the Councils adopted Supplementary Planning Guidance “Monmouthshire Parking Standards 2012” The standards allow for a relaxation where a development is proposed in a sustainable location, I am of the opinion that Usk is not what could be considered a sustainable location because residents are very reliant on the domestic car for commuting and day to day activities. I do not consider that a relaxation in the required number of parking spaces is appropriate in respect of this application.

The applicant cannot provide 6 parking spaces within the curtilage of the development. The parking associated with the development will be expected to be accommodated on street in the immediate vicinity of the development. It is accepted that the proposal is within reasonable walking distance of public car parks (currently free of charge) but

it is unrealistic to assume that occupiers will park vehicles in these areas particularly overnight.

Therefore will the development impact on the existing streets and increase or create parking stress, I am of the opinion that the level of development proposes will create a negative impact and what available resilience that the applicant has demonstrated at various times of the day and particularly overnight will be lost and existing residents who rely on stress parking and visitors will be directly affected.

I consider that the proposal will be detrimental to highway safety and will create or increase parking stress in the adjacent streets if approved in its current form. The applicant may wish to consider a reduction in the number of beds an subsequent parking requirements.

Flood Risk Management

The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, which is a designated main river. Our records show that the proposed site has also previously flooded from the River Usk.

The planning application proposes the conversion of a building into housing, low to highly vulnerable development, on previously developed land within a flood risk area. Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. We refer you to TAN15 for these considerations and refer you in particular to the justification tests at section 6.2. As part of this justification, the applicant should undertake and submit a flood consequence assessment (FCA) prior to determination of the application that meets the criteria set out in TAN15. The purpose of the FCA is to ensure that all parties, including your Authority, are aware of the risks to and from the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage the risks and consequences of flooding.

The flood consequences assessment (FCA) produced by Engineering Associates dated October 2015 reference 15/2310 FCA rev A, submitted in support of the application states:

- The existing threshold level of the existing building is 16.92m AOD and this will be raised to 17.3m AOD post development.
- The following flood levels are given for the relevant TAN 15 events:
 - 1 in 100 year plus climate change: NULL
 - 1 in 1000 year: 17.9m AOD
- Based upon the proposed finished floor levels of 17.3m AOD, the development will remain flood free during the 1 in 100 year plus climate change event, and therefore compliant with A1.14 of TAN 15.
- During the 1 in 1000 year flood event, the development site will experience a flood depth of 600mm, which is within the tolerable limits of A1.15 of TAN 15.

Given the defences in the area, we are satisfied that the defended scenario represents the most realistic flood event.

The FCA also assesses the flood risk to the access / egress routes, which when using NRW flood data demonstrates that the proposed route, north along Maryport Street, will remain flood free during the 1 in 100 year plus climate change event and will flood to an average depth of 0.66m in the extreme 1 in 1000 year flood event. We refer you to A1.15 in TAN15 which provides indicative guidance on acceptable depths of flooding in the 0.1% event.

In order to further mitigate the development during the extreme 1 in 1000 year flood event, the FCA states that it is recommended that concrete ground floor slabs, external walls and building finished will be built to flood resilient standards. All electrical supplies

will be maintained well above ground slab level. New residents should be made aware of the flood warning arrangements and emergency plans / procedures to deal with evacuation of the site.

The FCA also assesses the increase that the post development footprint will have on third parties, it states that the increase to the flood level post development would be 0.04m. We would find this to be within model tolerance limits and would therefore have no objection or further comment in relation to third party impacts post development.

Based on the information submitted within the supporting FCA we have no objection to the development subject to the inclusion of the following condition in any planning permission.

European Protected Species (Bats)

We note that the bat report submitted in support of the above application (The Old Smithy, Usk, Bat Survey Report by Acer Ecology dated September 2015) has identified that there was no evidence of bats using the application site. We therefore have no objection to the application as submitted with regard to bats, a European Protected Species.

MCC Ecology - Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision.

A daytime internal/external inspection of the building was carried out on the 31st July 2015, no evidence of bats was found although the inspection was constrained by a covering of dust.

A dusk emergence and dawn re-entry survey were conducted on the 10th August 2015 and 4th September 2015. It is noted that the latter is outside the optimal time for survey but given the early September date and the temperatures, it is considered the survey is acceptable.

No bat activity was recorded associated with the building, low numbers of soprano pipistrelle, common pipistrelle and noctule were recorded in the vicinity during the dusk survey and soprano pipistrelle during the dawn survey.

No signs of birds nesting was found during the internal/external inspection of the building.

The report highlights opportunities for enhancement which would be in accordance with LDP policy NE1 and MCC's duty under the Natural Environment and Rural Communities Act 2006 to have regard for Biodiversity. A planning condition is recommended to support this.

Glamorgan Gwent (Final Observations, previous comments are available on the Council's website) - We can confirm that the proposal has an archaeological restraint. We note the submission of the archaeological evaluation report (Report no. 2016/12, dated September 2016) compiled by Cardiff Archaeological Consultants for the above site. A 30 square metre area, set within the footprint of the proposed extension, was excavated. The evaluation revealed that the Roman occupation horizons and features have been extensively damaged by the late medieval, Post-medieval and recent occupation of the site. Two large rubbish pits were partially excavated, both dating to the Post-medieval period. Additionally a medieval stone-filled soakaway was recorded and two medieval pits partially excavated. The Roman occupation layer was also encountered, including two circular pits, again not fully excavated.

Overall the stratigraphic sequence suggests a post fortress Roman occupation of the site, followed by the construction of a soakaway and pits associated with a building dating to the late medieval period. The evaluation concludes that the surviving archaeological resource is significant, but could be fully excavated and preserved by record in order to mitigate the impact of the proposed development.

We concur with the conclusions of the report and clearly there are surviving archaeological features and deposits on the site, which have only been partially

excavated. Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of the excavation of the remainder of medieval pit (context number 20), followed by a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

Welsh Water – We would request that if you are minded to grant planning consent for the development that the conditions and advisory notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

4.2 Neighbour Notification

Objections from two local households in respect of original proposals citing the following:

- Would block natural light to both ground and first floor windows of adjoining properties;
- May potentially affect structural stability of neighbouring building;
- Will remove any access for the purposes of maintenance;
- Will adversely affect enjoyment and amenity of property;
- Close boarded fence along boundary would also reduce light levels;

Objections from three local households in respect of the revised proposals citing the following:

- Would have adverse impact on amenity and privacy;
- Would increase eave level which would go from 3.3m to 4.5m which would considerably increase the bulk of the main building;
- Would badly block natural light and would mean neighbour would have to resort to artificial illumination increasing property running costs;
- Changes do not overcome impact on neighbours;
- Close boarded fence along boundary would also reduce light levels;
- Principle of converting gallery is not contested;
- Does not comply with Policy DES1 (b) and (d);
- The claim that parking requirements generated two dwelling are likely to be less than the previous use is spurious;
- The fact the site is close to shops and bus stops does not necessarily lessen the need for a car and car parking;
- The Monmouthshire Parking Standards 2013 are nowhere near satisfied for occupants or visitors to the property, one dwelling would mitigate the problem;
- Proposal must be considered within the context of the adjoining listed (II) properties;
- No evidence application was properly advertised;
- Concern of asbestos within existing roof;
- If permitted as two dwellings would create long narrow gardens and would cause problems by virtue of closeness of families.

4.3 Other Representations

Usk Civic Society – (original observations) objects to the proposal to build a pair of semi-detached houses on the site of the former Old Smithy Gallery. While it would not be opposed in principle to the replacement of the disused and unsightly gallery building with residential development suitable in scale and design to this site within the conservation area, it considers that two dwellings on this site constitutes overdevelopment. It is apparent from study of the plans and other material that two dwellings can only be achieved at the expense of unacceptable loss of light and visual amenity for the neighbouring properties 32 and 36 Maryport Street. We have seen the extremely detailed objection submitted by Mrs Collis of 36 Maryport Street, with which we respectfully agree in all points. The detriment to 32, which is currently undergoing restoration, is equally great, with a gap of less than 2 metres between facing side windows on both ground and first floors. 32 Maryport Street is also listed, so alteration to mitigate the problem is not an option. We agree with Mrs Collis that a single dwelling on this site could be designed to sit within, or close to, the footprint of the gallery building. In consequence 32 and 36 need not suffer the loss of light and amenity inherent in the present proposal. The developer argues that narrow frontages are historically appropriate in Usk. While prime mediaeval Burgage plots (e.g. in Twyn Square) were very narrow, plots further from the centre, such as those in Maryport Street, were and still are wider. In any event, the street elevation of the proposed two dwellings looks to all intents and purposes like a single frontage.

In relation to the revised plans - objects to the revised proposal (on the website as drawing 1034(03)15 Revision C) to build a pair of semi-detached houses at 34 Maryport Street on the site of the former Old Smithy Gallery. It considers, first, that the drawing on its own, without any supporting written explanation, is insufficient to enable MCC, or any other interested party, to adequately assess whether the changes address the substantial harm which would in our view result to the neighbouring properties on either side. Secondly, the Society does not consider that, on the basis of the information provided, the changes do in fact address that harm. In some respects they increase it. The Society has seen the objection submitted by Mrs Collis of 36 Maryport Street (next door to Unit 1) and agrees with it in all points. Taking first the effect on Mrs Collis' property, as she points out, the reduction in the height of the roof ridge is minor; the revised design would still result in a structure of two storey height with the apex of the ridge appreciably closer to her building, with consequent loss of light (there are no light loss calculations in relation to the proposed development) and residential amenity. Quite simply, it would be overbearing because it is too large for the site. As she points out, the increased depth of the main section of the proposed building increases the degree of overlooking of her property and loss of her privacy. Finally, the 1.83 metre close-boarded fence proposed for the boundary between Unit 1 and her property would have an extremely deleterious effect on the light levels in her kitchen, as the fence would be less than two metres from the only window. This loss would be all the greater because the floor levels at 36 are lower than those at 34. The revised plans therefore do nothing to mitigate the adverse effect on her property. While the revised plans replace, for Unit 2, a double height rear extension facing the kitchen and a bedroom window in 32 Maryport Street with a single storey extension, the slate roof rises towards, and joins to, the double height roof ridge of Unit 1. The kitchen window of 32 would face a 2.4 metre solid wall less than 2 metres away. This would be a massive loss of light and amenity to one of the principal windows of the property. As the kitchen of Unit 2 would face into this narrow well and has no windows apart from roof lights, mechanical ventilation would be required. Smells would inevitably percolate into the kitchen of 32 unless the window was kept permanently shut. Furthermore, the increased depth of the main section of Unit 2 means that the west-facing window of the lounge of Unit 2 would be very close, and at right angles to, the

kitchen window of 32, with consequent loss of privacy and amenity. The revised plans are no improvement on their predecessors in terms of showing the relationship between the proposed houses and the neighbouring properties on either side, an indication of how little the applicant has considered the adverse effect on them of the scheme. There is, for example, no indication on the plans of the position of the roof lights shown on the East, West and South elevation drawings, yet these provide the only light and ventilation for the east-facing first floor windows, and are material factors to consider in assessing the impact on neighbouring properties. I refer to the roof light shown on the West elevation of Unit 1 and what appear to be two small roof lights on its South elevation. These could have an impact on the privacy and amenity of 36 A Maryport Street. Usk Civic Society does not consider that the revised plans for 34 Maryport Street adequately address the objections which it and others have already made to the original proposals. The proposed two houses on the site constitute overdevelopment and are only achievable at the cost of considerable and unacceptable damage to the privacy, residential amenity, light levels and health of residents in the existing neighbouring properties.

5.0 EVALUATION

5.1 Principle of the proposed development

- 5.1.1 The site is located within the town development boundary for Usk, within which '*new build residential development / redevelopment or conversion to residential, or subdivision of large dwellings or reuse of accommodation such as upper vacant floors in town centres will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses.*' (LDP Policy H1). The proposal is therefore acceptable in principle subject to detailed matters that include flooding, design, residential amenity, parking and biodiversity considerations.

5.2 Flooding

- 5.2.1 As detailed in section 1.4 of this report the site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The proposal is therefore technically contrary to Policy SD3 *Flood Risk*, which does not distinguish between Zones C1 and C2, as the proposal is not for the conversion of existing upper floors. It is however considered that the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15. 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
- A Flood Consequences Assessment (FCA) has been submitted and NRW have confirmed that given the defences in the area, they are satisfied that the defended scenario represents the most realistic flood event. Therefore subject to a condition to manage the finished floor levels, NRW do not object to the proposed development. It is therefore considered that the proposal is compliant with national policy in TAN15 which is sufficient to outweigh the non-compliance with LDP Policy SD3.

5.3 Visual Impact

- 5.3.1 The site lies within the Usk Conservation Area (CA) and sits next door to the Grade II listed No 32 Maryport Street. Concerns have been raised from the Council's Heritage Officer in respect of the impact on the setting of both the listed building and CA. The Heritage Officer's comments centred primarily on the rear extension, however views

of the rear of the property are extremely limited from a public vantage point and it is considered that the proposed extension would not fail to preserve or enhance the appearance of the CA. The extension has been reduced in scale and mass, following concerns in relation to the impact on the amenity of No 32. It is considered that following the amendments the development would not cause such harm to the setting of the listed building so as to warrant refusal of the planning application.

5.3.2 The changes to the front of the building, which is prominently located within the street scene of Maryport Street, are also considered to be acceptable. The use of natural roof slate is welcomed as is the use of timber joinery. However, it is considered necessary to condition that samples of the finishes are submitted to and agreed by the planning authority. The existing commercial frontage is not of traditional character that warrants retention; the alterations to the front façade retain the appearance of a single unit and would ensure the building would not appear incongruous within the street scene.

5.4 Residential Amenity

5.4.1 The proposed development has been amended following officer concerns in respect of the impact on the residential amenity of No 32 Maryport Street, as detailed in section 1.2 of this report. Of paramount concern was the impact on the first floor bedroom window positioned in the south facing (side) elevation of no 32. Following the alterations made it is not considered that the proposed extension would be unacceptably overbearing to this habitable window at no 32 nor would it result in an intolerable loss of natural light. At ground floor level the single storey element of the rear extension would finish approximately 1.2m from the kitchen window of no 32. Given the reduced scale and mass of the extension closest to no 32 it is not considered that the proposal would cause an unacceptable loss of light to the kitchen window.

5.4.2 The adjoining property to the South, no 36, features a number of window openings facing towards the application site along its side elevation. The proposed extension would project approximately 1.7m further back than the existing lean to. Whilst it is accepted that the extension would be two storey, the main window to be obscured would serve a stairwell (non-habitable room) and would not extend as far as the ground floor kitchen window. As such the proposed extension would not cause unacceptable harm to the amenity of the occupiers of no 36.

5.4.3 Concerns have also been raised in relation to the 1.83m high timber fence that would enclose the site. However, it is not considered that this would reduce light levels as suggested given its lightweight form and height. It must also be noted that a higher (2m high) means of enclosure could be erected under Permitted Development rights in any case.

5.4.4 Having said this, it is considered to be reasonable to remove normal Permitted Development rights to extend and alter the building to ensure future developments can be managed to ensure that the residential amenity of the adjoining properties is not compromised. A further extension that may not require planning permission could have a harmful impact.

5.5 Highway Issues and Parking

5.5.1 The revised proposal for a two bedroom dwelling and a three bedroom dwelling would, as per Monmouthshire's adopted Supplementary Planning Guidance (SPG) in respect of parking, require a total of five off street parking spaces to be provided. However, the physical constraints of the site mean that it is not possible to provide even one

designated parking space. Although the site is located within the centre of the town, it is accepted that sustainable forms of transport within Usk are limited. The town has no train service and only limited bus service to Newport and Monmouth. It is therefore reasonable to expect that occupiers of both dwellings will be reliant on private motor vehicles. The fall-back position of the existing lawful commercial use has also been considered, but it is not disputed that this would in practical terms provide a less intense pressure on local parking demands. Visitors to a commercial premises would be more inclined to park in one of the public car parks, all within relatively short walking distance of the application site. Conversely it is considered reasonable to expect that a resident would wish to park as close to their property as possible, for reasons including surveillance, carrying shopping and also childcare.

5.5.2 For these reasons officers requested the applicant to amend the proposal from two dwellings to a single unit; this would have seen the parking requirement fall from five spaces to three. The applicant has resisted this request and has subsequently carried out a photographic survey which captures available off street parking capacity within the vicinity at various time throughout the day across a seven day window. The results of this survey show a good number of spaces both at early morning times (when people would leave for work) and at early evening times (when people would typically return from work). Parking numbers are, as could be expected, reduced during the day when commercial pressure from the retail unit across Maryport Street is at its greatest. While the advice from the Council's Highway Engineer and requirements of the adopted SPG are duly noted, it is considered that, on balance, given the survey evidence provided that the proposed conversion to provide two residential units would not put unacceptable additional pressure on the existing parking in the locality, refusal of the application would not be warranted.

5.6 Biodiversity

5.6.1 Owing to the nature of the works to the roof of the existing building the application has been informed by a bat survey which identified that the site lies within 1km of 17 bat roosts, the closest of which within 250m.

The survey included a daytime internal/external inspection of the building as well as a dusk emergence and dawn re-entry survey. Whilst no bat activity was recorded associated with the building, low numbers of soprano pipistrelle, common pipistrelle and noctule were recorded in the vicinity during the dusk survey and soprano pipistrelle during the dawn survey.

However, the Council's Biodiversity Officer has recommended a condition that would secure integrated bat roosting and bird nesting provision within the development. It is therefore considered that the development satisfies Policy NE1 of the LDP.

5.7 Response to Other Issues Raised

5.7.1 Whilst a number of the concerns raised by third parties have been addressed in the previous sections of this report there are a number of other outstanding matters. It has been suggested that the division of the site into two units would result in long narrow gardens and therefore issues between the occupiers of these new dwellings. However, the resulting gardens are not considered to be disproportionate to others in the locality which are of similar widths and lengths.

Also should the existing roof feature asbestos then the safe removal of this would need to adhere to separate legislation outside that of planning control, and is not therefore a material consideration.

Similarly should the proposed development result in any issues of structural stability to any third party properties then this would be a private legal matter.

5.7.2 Finally with regard to potential financial contributions towards local Affordable Housing Provision (Policy S4), the planning application was registered on the 14th January this year and therefore prior to the adoption of the relevant SPG in respect of the Policy in March. Consequently no such contributions are required.

6.0 RECOMMENDATION: APPROVE

Conditions:

1. This development shall be begun within 5 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.
Reason: For the avoidance of doubt.
3. Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
Reason: To ensure a satisfactory form of development takes place.
4. Prior to the commencement of works a scheme detailing the provision of integrated bat roosting and bird nesting provision within the scheme as outlined in the submitted The Old Smithy, Usk, Bat Survey Report by Acer Ecology, September 2015 shall be submitted to the LPA for written approval. The agreed scheme shall be implemented in full.
Reason: To ensure the development is in accordance with LDP policy NE1 and the Natural Environment and Rural Communities Act 2006.
5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by Engineering Associates dated October 2015 reference 15/2310 FCA rev A, and the following mitigation measures detailed within the FCA:
 - Finished floor levels are set no lower than 17.3 metres above Ordnance Datum (AOD) (Newlyn).Reason: To reduce the risk of flooding to the proposed development and future occupants.
7. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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.
We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.
If bats are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.
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. Party Wall Act.
4. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.
5. Welsh Water informative.
6. The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.

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DC/2016/00287

AN EXTENSION TO BEAULIEU BARN TO PROVIDE A SUITABLE INTERNAL VOLUME TO PROVIDE FOR A MODERN STANDARD OF RESIDENTIAL LIVING ACCOMMODATION

BEAULIEU BARN, 25 KYMIN ROAD, THE KYMIN, MONMOUTH, NP25 3SD

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 18.07.2016

At the last meeting of Committee held on 6th December 2016 this application was deferred in accordance with adopted protocol because Members were minded to approve the proposal, contrary to the officer recommendation. Therefore the application is now re-presented with a list of conditions, should Members formally approve the application.

Conditions:

1. This development shall be begun within 5 years from the date of this permission.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.
3. Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
4. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) lighting on the new extension shall be low level (<2.4m) PIR lighting only which allows dark corridors for bats and does not illuminate the bat mitigation provided in planning permission ref: DC/2007/01144.

Reason: To safeguard foraging commuting and bat roost provision in the adjacent building in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2010.

Informatives:

1. Bat Mitigation incorporated into the previous permission was incorrectly installed. This must be amended in accordance with the advice in the Pure Ecology report. Failure to rectify the mitigation may result in enforcement action under the previous consent DC/2007/01144.
2. Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs.

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

As the proposal was minded to be approved by Members the application was forwarded to the AONB Office who has made the following comments:

'Thank-you for the opportunity to comment on this application. I note that this is a substantial extension to the existing structure in open countryside in the AONB, albeit with a considerable amount of rural clutter in the adjacent fields. I support and endorse the comments of the Council's Landscape Officer and would suggest that the relevant supporting information

requested by the Landscape Officer is required from the applicant before considering the application further.'

Yours sincerely

Andrew Blake
Wye Valley AONB Manager

THE PREVIOUS REPORT AND RECOMMENDATION ARE BELOW

1.0 APPLICATION DETAILS

- 1.1 This application relates to a small dwelling, converted originally, and constructed with external stonework and a slate roof. The building has a complex planning history and was approved for conversion to residential use in 2008. This application is situated within an open countryside location outside of any development boundary and was approved previously under Policy H7 of the UDP, but is now considered under Policy H4 of the Local Development Plan.
- 1.2 The proposal is for a substantial two-storey extension to this converted building. This extension is linear in form and extends on the existing gable. This extension is two-storey in form with a single-storey gable extension that projects to the rear. The building has been designed with a dwarf wall and horizontal boarding, the finishing materials for the roof is identified as a slate roof or a contrasting tile clay roof. There are no windows proposed with the two-storey gable and single-storey gable being fully glazed.
- 1.3 The existing building was designed so that it appeared as a small, traditional hay building. This application proposes an extension that sits tight under the existing ridge height and appears as a one and half storey extension with first floor accommodation within the roof space. The proposed extension measures 6.25m in width, depth is 4.3m, height to eaves and ridge is set marginally below that of the existing build which is 5.75m and 3.13m respectively. The single-storey element projects out by 2.8m and measures 4.1m in width.
- 1.4 The calculations scaled from plans for both existing and proposed are the following:
Existing Ground Floor Footprint = 44.71 square metres
Proposed Ground Floor Footprint (with proposed extension) = 83.06 square metres
Increase of 38.35 square metres
86% increase in floor area
- Total Existing Floor Area = 82.7 square metres
Proposed Floor Area (with proposed extension) = 152.02
Increase of 69.32 square metres
84% increase in floor space
- 1.5 The existing frontage measures 7.1m; the extension adds a further 6.25m creating a total frontage length of 13.35m representing an 88% increase.
- 1.6 The supporting information submitted with this application focuses upon the planning events before the existing site was finally allowed for conversion back in 2008.
- 1.7 The Offa's Dyke long distance footpath crosses the eastern edge of the meadow and a local public footpath passes within a few metres of the building which is a dominant feature in views from extensive sections of both paths.
- 1.8 The application site is situated within the Wye Valley AONB.

1.9 This application is being presented to Planning Committee at the request of the Local Member.

2.0 RELEVANT PLANNING HISTORY

Planning history

DC/2015/01178 Amendment to roof height of the previously approved agricultural building (DC/2014/01291) Approved 17.11.2015

DC/2014/01291 Construction of all-weather horse riding manege. Construction of open fronted timber agricultural store for hay and machinery storage
Approved 18.12.2014

DC/2011/00024 Proposed storage building pigsty and polytunnels at Beaulieu Meadow smallholding Approved 16/03/11

DC/2009/00999 Proposed temporary compound to store building material for existing dwelling Approved 03/07/08

DC/2008/00587 Proposed agricultural store & workshop building for existing dwelling
Approved July 2008

DC/2007/01144 Proposed conversion of redundant barn to provide new dwelling
Approved February 2008

A36287 Change of Use of redundant barn to form an a holiday unit Refused and Appeal Dismissed
01.09.93 and 13.01.1994

A35156 Conversion of redundant agricultural building to dwelling Refused 07.10.1992

30882 Proposed restoration and extension to stone barn to provide stables, hay loft and tractor shed approval 1988

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – The Spatial distribution of new Housing Provision
S13 – Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making and Design

Development Management Policies

H4 – Conversion of redundant buildings in the open countryside
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
LC4 – Wye Valley Area of Outstanding Natural Beauty
NE1 – Nature Conservation and development

Supplementary Planning Guidance:

Conversion of Agricultural Buildings Design Guide:

Planning and listed building consent will only be granted for conversions where the agricultural character of the building is preserved and protected.....The Local Development Plan policy does not exclude extensions. Any proposed extension will however need to be carefully assessed against strict criteria controlling the effect on the character and setting of the existing building and/or their group value. This effect will clearly be more pronounced on smaller buildings, which is why they may not be favoured for conversion if substantial enlargement is needed to provide tolerable living or working conditions.

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council: Approve

MCC Landscape Officer: : Unable to support proposals for development within, or affecting the setting of the AONB that did not regard the strategic objectives and policy set out in the MCC LDP by which development has to protect, conserve or enhance the unique character and special qualities of the landscape. There is insufficient information to demonstrate that their proposal meets LDP policies LC4 (LC1/LC5) or DES1. An appraisal would have provided an evidence based rationale and pertinent information to develop their proposal properly; informing its scale, architectural design and material choice. The design process should have been clearly illustrated within the DAS and/or other supporting documents.

The development should be of a high quality sustainable design and where appropriate use decoration and styles to enhance its appearance. We note that the intention was to reflect the character of the existing building, but the palette of materials listed on drawing JT10/15 – 2450 offers an array of different materials and no defined specification. There are no landscape planting proposals included with their proposal.

MCC Ecology Officer: An assessment was undertaken by Pure Ecology (letter dated 12th July 2016) is sufficient to inform this scheme. It confirmed that there is no bat roost potential in the building but also identified that the mitigation agreed under the previous consent has not been installed correctly (boxes upside down and no gaps at eaves). In relation to this consent, there is no necessary further consideration in relation to bats although it would be appropriate to consider controlling external lighting via planning condition.

Please use the following information notes on any approval:

Information Note

Bat Mitigation incorporated into the previous permission was incorrectly installed. This must be amended in accordance with the advice in the Pure Ecology report. Failure to rectify the mitigation may result in enforcement action under the previous consent DC/2007/01144.

4.2 Neighbour Notification

Six representations have been received raising the following points:

1. The existing house is too small and this sensibly sized extension would increase the living space to a habitable level.
2. Also given the size of the plot and its location, a sympathetically designed extension would have any significant negative impact on neighbours or the surrounding area.
3. The existing dwelling is also clearly far too small to afford an acceptable level of hygienic/sanitary accommodation given that it does not have a separate kitchen and discrete toilet/bathroom facilities that cannot be adequately ventilated.
4. It is not conceivable that were this property to be built today in its current state that planning permission would be given.

5. The property sits well within its immaculately maintained grounds and a substantial increase in size and a change in shape would be an asset to the very pleasant vista over the property from higher up the hill.

4.3 Local Member Representations

The Local Member supports the proposal and requests that this is presented to Planning Committee.

5.0 **EVALUATION**

The main issues to consider are the following:

1. Principle of the proposed development
2. Design of the Proposal
3. Impact upon the Wye Valley AONB

5.1 Principle of the proposed development

5.1.1 The supporting information submitted with this application focuses upon the planning events before the existing site was finally allowed for conversion in 2008. This relates to the extent of the building work that was previously undertaken that was afterwards removed as part of the conversion. It is argued that this was originally undertaken as permitted development and then enforcement action was taken when the approved plans did not reflect what was built on site. A full planning history of what was subsequently undertaken is addressed in the original report for application DC/2007/01144 which is attached. In brief, there were modern building works carried out and then a planning application to retain these works and convert the building to residential use (under application A35156); this was refused on the basis that the proposal was considered to be tantamount to a new build being the result of substantial rebuilding and alterations of an earlier building. A second application to retain the building, together with the works undertaken for the purposes of a holiday let was also refused and was subsequently dismissed at Appeal. The Inspector considered the building to be the result of partial rebuilding and substantial extension of a small single storey stone built agricultural building.

5.1.2 Under current policy the same considerations apply and if faced with the same building for potential conversion as that considered in 2008, the only acceptable way would be to follow the method of the previous approval and to remove the modern elements and effectively strip back the building so that what remains is a shell of the traditional/ original building to be converted. It is not relevant what existed previously, firstly as this was modern and would not have been suitable to include without the development being tantamount to new build and secondly, this element has now been removed.

5.1.3 Criteria f) of Policy H4 of the LDP outlines that buildings for conversion need to 'be capable of providing adequate living space within the structure'. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn.' The Policy goes on to state that the same criteria will also be applied to proposals to extend the buildings that have already been converted. This building has already been modestly extended with the lean-to allowed as part of the original approval for conversion. The host building is small and the extensions and alterations have therefore reached the capacity for the building to be extended with this small addition. As well as this, there have also been ancillary buildings constructed in the form of an agricultural store and workshop building within the grounds of the site.

5.1.4 The proposed extension represents an 84% increase overall in floor area. This not only significantly exceeds what could be considered as a 'very modest' extension, but the resultant building would effectively be tantamount to new build, thus failing criteria e) of LDP Policy H4 which precludes modern buildings in form and age for residential conversion.

5.1.5 Both the applicant and neighbour representations have stated that the building is too small for adequate living accommodation. The size of building was considered during the determination of the previous planning application to provide small but acceptable living accommodation. This property has been lived in as such for a number of years. To put into context how this compares with modern day living accommodation, a comparison is made with a one bed walk-up flat approved on the strategic housing site on Wonastow Road. This unit provides approximately 50 square metres of floor area, including the floor area used to accommodate the staircase (DC/2015/00390; Approved Plan reference W1.1 House Type 1512 143 Revision B). This is compared with the internal floor area measurement for Beaulieu Barn which is 59 square metres (scaled off drawings as measurements given on the drawings are external and this building has thick stone walls). Furthermore, Beaulieu Barn has the 'breathing space' that comes from it being a detached unit situated within a relatively isolated location. The argument that this building should not have been approved in the first place given the substandard living accommodation created is not considered reasonable in this case.

5.2 Design of the Proposal

5.2.1 A requirement of planning policy is that the *"form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building"*. The SPG states *Any proposed extension will however need to be carefully assessed against strict criteria controlling the effect on the character and setting of the existing building and/or their group value. This effect will clearly be more pronounced on smaller buildings, which is why they may not be favoured for conversion if substantial enlargement is needed to provide tolerable living or working conditions.*

5.2.2 The new extension by virtue of its form and scale is considered to dominate the existing building. The resultant building would appear to be almost doubled in size. The form of the building described by a previous Inspector as being a *"small single-storey stone built agricultural barn"* is no longer the case with the proposed scheme. The form and scale of the proposal, coupled with a single-storey extension to the rear adds a domestic element that is jarring against the existing simple lean-to at Beaulieu Barn. It is helpful that the materials proposed have sought to retain an agricultural appearance with the user of timber boarding as the primary material, with window openings restricted to recessed gables, however this is not enough to ensure that the large bulk and scale of the proposal will respect the form, bulk and general design of the proposal. The almost doubling in scale of this building changes the perception of this building from a small converted agricultural building to a substantially larger more modern domestic building. The proposal fails to satisfy both Criteria a) of LDP Policy H4 (form, bulk and general design to respect the rural character and design of the building) and Criteria d), "the more isolated and prominent the building the more stringent the design requirements with regard to ...extensions especially if located within Wye Valley AONB"

5.3 Impact on the Wye Valley AONB

5.3.1 The Inspector in the appeal A36287 stated that Beaulieu Barn *"stands by itself in an open meadow high on the slopes of the Kymin, a prominent area of high ground and local beauty spot within the designated Wye Valley Area of Outstanding Natural*

Beauty.... The Offa's Dyke Footpath long distance footpath crosses the eastern edge of the meadow and a local public footpath passes within a few metres of the building which is dominant in views from extensive sections of the both paths..... despite the substantial alterations and extensions, I found that the building still retains some agricultural character.... Few external openingssecondly the building stands isolated with the grass of the meadows growing up to the walls.... because of the apparent close visual and functional link between the building and its rural surroundings it does not at present appear to be out of place in its setting, despite its prominence.....I anticipate that this situation would alter significantly were the change of use proposed by your client to be implemented... the surviving agricultural character of the building and its immediate surroundings would change to one of a clearly domestic nature . I conclude that this would unacceptably erode and damage the character and appearance of the surrounding rural area and the Wye Valley AONB and prejudice the objectives of prevailing national and local planning policies”.

5.3.2 It is arguable that a degree of erosion to the character and appearance of the Wye Valley AONB has already occurred owing to the development that has occurred on the adjacent small holding since the previous approval for conversion to residential use. However, whilst this development has altered the landscape, the area has not become overly domestic as the changes relate either to agriculture or rural recreation. The barn does still stand in isolation and is open to viewpoints from key receptors, namely local footpaths that are in very close proximity including the Offa's Dyke footpath. When the previous application was approved (DC/2007/01144) the proposal represented a positive improvement to the surrounding landscape as it removed the unsightly domestic extensions and returned the building back to its original form. In this case the proposed extension changes the building from a modest converted agricultural outbuilding to a significantly larger domestic property in the landscape, visible from local vantage points. The cumulative impact of this when viewed in relation to the surrounding development detracts from the immediate landscape contrary to Policy LC4 of the LDP. The relevant supporting information required by MCC's Landscape Officer has not been requested as this was considered to be unreasonable considering the principle of any type of extension on this building was considered to be unacceptable. The proposal does however have a localised, yet harmful impact on the AONB when viewed from key receptors.

In line with the comments above the application is recommended for refusal accordingly.

6.0 RECOMMENDATION: REFUSE

1. The proposed extension, by virtue of its scale, contravenes criteria e) and f) of Policy H4 of the Monmouthshire Local Development Plan (MLDP) because the scale of the proposal represents a substantial increase in the size of the existing building, far exceeding what could be reasonably considered as very modest and secondly, the resultant building would, by virtue of the significant amount of new build, be tantamount to a new build development in the open countryside.
2. The proposal fails to satisfy both criteria a) and d) of Policy H4 of the MLDP because its form and scale as dominates the existing building, changing the appearance of the existing building from a small converted agricultural building to a substantially larger more modern, domestic building. The proposal fails to respect the form, bulk and general design of the proposal, whilst its isolated and prominent location within the AONB requires the design criteria to be applied more stringently.
3. The building lies in an exposed position within the Wye Valley AONB, visible from key receptors including the Offa's Dyke Footpath. The cumulative impact of this

development together with the changes that have already occurred within the surrounding land, would change the character of the land to a clearly domestic nature, which would appear out of place in this sensitive rural landscape and would be contrary to Policy LC4 of the MLDP.

DC/2016/00322

CONSTRUCTION OF UNIT 6 (BEING FINAL STAGE OF OVERALL DEVELOPMENT SCHEME FOR THE RETENTION OF EXISTING BUILDERS YARD AND REPLACEMENT OF EXISTING BUILDINGS - DC/2013/00367). COMPRISING DETACHED SINGLE STOREY UNIT (12.6M X 11.1M X 4M TO EAVES)

THE BUILDERS YARD, CHEPSTOW ROAD, USK, NP15 1HN

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 13.07.2016

1.0 APPLICATION DETAILS

- 1.1 This application proposes to redevelop an existing yard for the storage of building materials. The application site has an historic use as a builder's yard and is occupied by a number of buildings in relation to this use. Planning consent has been granted and implemented to replace the existing eight units which were in a poor state of repair with four new (larger) units to be used in association with the existing use.
- 1.2 The application site is situated on the outskirts of Usk outside the development boundary defined by the Local Development Plan. The Olway Brook runs to the south of the site. To the east of the application site are two dwellings, with one dwelling sharing the eastern boundary of the site. To the west of the site there is a gas pressure reduction station within a fenced compound. There is an existing shared access that serves that station and the builder's yard with a secondary access that also serves the application site.
- 1.3 It is proposed to construct a new building to be situated in the southern part of the site. The proposal's floor area would be 10.5m x 12m, eaves height would be 4m and ridge height 6m. The proposed building is required for the new plant (machinery and equipment) which are brought to site and are too big to be stored in the existing buildings (the low (3m high) eaves height restricts access). The applicant has stated that they need a secure storage area as this equipment is currently parked outside and exposed to elements as well as being at risk of theft/ damage. The current planning approvals control external storage of plant and equipment.
- 1.4 External materials for Unit 6 are the same as Units 1-5 previously approved comprising the following:
 1. Roof Cladding in standing seam profile 'Kalzip' profiled sheet
 2. Traditional masonry cavity walls, clad in timber boarding
 3. Aluminium roller shutter doors
- 1.5 The application site sits within a C2 Flood zone. Within a C2 flood zone only less vulnerable development should be considered subject to application of a justification test, including assessing the acceptability of flood consequences. The susceptibility of land to flooding will be a material consideration in deciding a planning application. For proposals located in Zone C2 developers will need to demonstrate that the development can be justified in the location and that the consequences associated with flooding are acceptable.

A Flood Consequences Assessment has been submitted with this application, this recommends raising the floor area by an additional 1m in height to comply with TAN

15 requirements. The applicant has chosen not to do this and provided the following supporting information to explain the reasons for this:

- (1) Raising the floor slab of Unit 6 to a level at least 1m above retained ground level (serving Units 1-5) will require the construction of vehicular and pedestrian access ramps to get plant, equipment and personnel from ground level to Unit 6 floor slab level. These ramps will require a level "landing" immediately outside the external openings so that the vehicles and plant can approach the door thresholds on a level plane. Beyond the landing areas the ramps will be set at a slope of between 1:10 for pedestrians and 1:15 for vehicles to achieve a controlled access between levels. A ramp rising 1m will be 15m long and when added to the landing area will extend into the apron area of unit 5 and cause disruption to the access to unit 5;
- (2) Unit 6 would require a raised platform extending beyond the building footprint to provide a safe working apron (area approx. 20m x 15m) or 300cubic metres of solid mass located within 10m of the stream, thus providing a solid barrier to flood waters progressing down-stream along this section of the flood plain/ bank. (Conversely, by omitting this platform we have freed up the flood plain and the building will have minimal effect on disrupting the water flows).
- (3) Visually, Unit 6 raised over a metre higher than the neighbouring Units 1-5 as well as the gas unit and neighbouring residential properties, will look out of place within its setting and conflict with the subordinate role played by the replaced storage units when compared with their residential neighbours.

2.0 RELEVANT PLANNING HISTORY

- | | |
|-----------------------|---|
| DC/2015/00016 | Alteration to approved layout changing the position of unit 1 and unit 2 on the approved scheme (DC/2013/00367) new boundary and gate to be placed between the new building and boundary. Additional planting along the eastern boundary to provide screening between industrial and residential areas. Approved 05.03.2015 |
| DC/2013/00367 | Retention of existing builders yard and replacement of buildings Approved 05.02.2014 |
| DC/1995/00150: | Demolition of Existing Buildings and Construction of Two New Dwellings at the Builder's Yard. Refused 21.08.1996
Appeal Dismissed 5.12.1996 |

3.0 NATIONAL PLANNING POLICY

Technical Advice Note 15: Development and Flood Risk

The application site is situated in a C2 flood zone: within this area only less vulnerable development should be considered subject to application of a justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered.

Less vulnerable development is defined as: general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities, excluding waste disposal sites. Highly vulnerable development and emergency services in Zone C2 should not

be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location.

The susceptibility of land to flooding will be a material consideration in deciding a planning application. For proposals located in Zone C developers will need to demonstrate, to the satisfaction of the planning authority, that the development can be justified in that location and that the consequences associated with flooding are acceptable.

4.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S12 Efficient Resource Use and Flood Risk
- S13 Landscape, Green Infrastructure and the Natural Environment
- S17 Place Making and Design

Development Management Policies

- DES1 LDP General Design Considerations
- EP1 LDP Amenity and Environmental Protection
- SD3 LDP Flood Risk

5.0 REPRESENTATIONS

5.1 Consultations Replies

Usk Town Council: Approve

Welsh Water: No objection

Gwent Glamorgan Archaeological Trust: As the proposed development will include substantial ground disturbing activities, it is possible that important archaeological discoveries will be made during the development. A condition is recommended to secure an archaeological programme of investigation be implemented to mitigate any potential impacts to the archaeological resource.

Natural Resources Wales:

With regard to Great Crested Newts, on the basis of the report 'Addendum to 'Great Crested Newt Survey' — November 2013 Usk Builders Yard' (October 2015)., we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Having reviewed the Flood Consequences Assessment there are significant concerns with the proposed development as submitted, as the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an appropriate level in line with TAN15. We recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met then we would object to this application as the proposal is likely to have an unacceptable effect on flood risk.

MCC Ecology: I note the proximity of the development to the Olway Brook. This watercourse is known to be used by otter and provides an ecological corridor in the agricultural landscape for other wildlife. This will need to be protected by detailed lighting design. Normally I would ask for some kind of buffer planting but due to the

vegetated nature of the area, there isn't much room for any additional landscape planting. Despite this, lighting control should be considered to prevent any floodlighting illuminating the watercourse and vegetation. Condition recommended.

5.2 Neighbour Notification

No comments received to date

6.0 **EVALUATION**

The proposed development is situated to the south of the site at the furthest point away from the closest neighbouring property Ty Cryr (approximately 60m) and is almost completely hidden from view by Unit 5. There are no neighbour implications arising from this development. The two issues that arise in the consideration of this application are Visual Amenity and Flooding.

6.1 Visual Amenity

6.1.1 The building has been designed to integrate with the existing buildings on site. While the scale of the building is higher and will project over the roofs of the existing building, it is situated in the most discreet location to the rear of the site (the least prominent part of the site) and will be visually acceptable in this context - the majority of the bulk of the building would be screened by the existing buildings. The applicant has sought to maintain a rural appearance with the use of external materials that match those of the existing building comprising vertical timber boarding to the walls and profiled sheets to the roof. The proposed building is visually acceptable in this context.

6.2 Flooding

6.2.1 The objection from the NRW is based on the information in the applicant's FCA. An average ground level of 16.95m AOD has been taken which during the 1 in 100 year (plus climate change) event would lead to a flood depth of 1.06 metres (applying a flood level of 18.01m AOD). The proposal does not therefore meet the requirements of A1.14 of TAN15, i.e. it is not predicted to be flood free in the 1 in 100 year plus climate change flood event. Whilst the maximum predicted velocities for such an event are 1.65m/s. The combination of the predicted depths and velocities gives a resultant hazard rating of 'Danger for All'. With regard to the 1 in 1000 year flood level, the development is liable to flood to a maximum depth of 1.3m. This is in excess of the indicative tolerable conditions set out in A1.15 of TAN15 of 600mm. Again the maximum predicted velocities at the site are also in excess of the indicative tolerable conditions for industrial use of 0.3 metres/sec; the predicted maximum velocity is 2.64 m/s. NRW have confirmed that the development would not increase flood risk elsewhere, as there would be no loss of flood storage capacity. The issue relates to the Finished Floor Level which should be set above the 1 in 100 plus climate change flood level of 18.01m AOD.

6.2.2 The same issue arose in the determination of the previous application to renew the existing units; this proposal did not meet the requirements for the FFL to be set above the 1 in 100 plus climate change flood level either. However, this was accepted due to the fall-back position of the site with an established use and buildings on site that could be re-used by the applicant. This unit is part of the same development and land use, and if the proposed building does flood due to the finished floor levels and predicted velocities at the site, the rest of the site will also be flooded. What is also relevant is that this building is to secure the storage of plant and machinery that is currently stored outside because it is too large/high to be stored in the existing buildings. In the case of

a flood this plant would be subject to flooding regardless of whether it is stored within a building or outside. The implications of flooding do not differ whether this building is constructed or not.

- 6.2.3 The alternative of raising the building by a minimum of 1m to meet the recommendations of the NRW would result in the building being over 7m in height. Currently the site is not prominent within the landscape due to the existing buildings being of a low profile and set back from the frontage of the site. To construct the proposed building in accordance with the FCA would result in an increase in the mass and height of the building which would render the development much more visually prominent and therefore unacceptable. Thus, a scheme that complied with the recommendations of the FCA would result in a proposal that would be unlikely to receive a favourable officer recommendation on grounds of visual intrusion.
- 6.2.4 TAN 15 provides that only less vulnerable development should be situated in a C2 flood zone. This proposal complies with the given definition of less vulnerable development. The developers have justified that this building will not exacerbate flooding elsewhere. The key issue is that there remains a potential for this building to flood alongside all of the other buildings constructed on site due to the finished floor levels. Given the reasoning behind the need for this building and the current use of the site, this development can be justified in this location and the consequences associated with flooding are acceptable in this particular case.

7.0 RECOMMENDATION: APPROVE

Conditions:

1. This development shall be begun within 5 years from the date of this permission.
2. The development shall be carried out in accordance with the list of approved plans
3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
4. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building until an appropriate lighting plan, which includes low level PIR lighting and allows the dark watercourse corridor to be maintained, has been agreed in writing with the Local Planning Authority. The lighting scheme as approved, shall be implemented before the building is brought into use and the lighting shall be maintained as agreed in perpetuity.
5. The premises shall not be used for the approved purposes outside the following times 07:30h to 18:30h Monday to Friday and 08:00h to 14:00h on Saturdays. The premises shall not be open or operational on Sundays and Public Holidays.

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DC/2016/00388

CONVERSION OF A REDUNDANT FARM BUILDING INTO ANCILLARY RESIDENTIAL ACCOMMODATION

MILL FARM, DINGESTOW, NP25 4DY

RECOMMENDATION: Approve

Case Officer: Jo Draper

Date Registered: 10.10.2016

1.0 APPLICATION DETAILS

- 1.1 The application site relates to a detached brick building that sits immediately adjacent to the main dwelling known as Mill Farm, Dingestow. The building has clearly been used previously for agricultural use, however there is evidence that the building has also been used in the past for residential purposes as the existing openings, which are clearly long standing, are domestic in form and scale resulting in this building having a partially domestic appearance despite its functional agricultural use.
- 1.2 There is a clear change in levels on the north-west side of the building and a single storey extension is proposed to this side. This extension would measure 4.2m in width and 6.1m in depth to match that of the existing building. The finish is in slate to match the main roof with horizontal timber boarding proposed to the extension. The proposal has been subject to amendments with half of the proposed first floor being dedicated to a bat roost. There is one bedroom at first floor level with living accommodation at ground floor level.
- 1.3 All of the existing openings have been retained in the proposal and no additional openings have been created. However, some existing external domestic openings and an external chimney have been partly removed and replaced with a simple lean-to as part of this proposal. The external materials comprise of a slate roof, original facing brick with overlap larch horizontal boarding to the extension. The windows are coated aluminium, with black cast rainwater goods.
- 1.4 Further plans have been submitted to provide the landscape corridors required for bats, a full bat survey has been provided with this application. As this building is for an annexe, all services including the access are to be shared with the main house. This application is being presented to Committee as NRW have objected to the proposal on the basis that a Flood Consequences Assessment has not been provided.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Planning Policies

S13: Landscape, Green Infrastructure and the Natural Environment

S17: Place Making and Design

4.0 REPRESENTATIONS

4.1 Consultations Replies

Mitchel Troy Community Council: Approve

4.2 Neighbour Notification

No representations received to date

4.3 Other Representations

Natural Resources Wales:

Flood Risk Management – The application proposes highly vulnerable development within Zone C2. Further information is required to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

The revised bat mitigation proposals include a dedicated bat loft within the converted building with bat access to a retained chimney. NRW considers that in principle these replacement roosting provisions are suitable compensation for the loss of the existing roost sites for bats.

5.0 EVALUATION

5.1 The proposed scheme has been designed to respect the existing building. The resulting scheme would have a less domestic appearance in relation to the existing north-west elevation with domestic openings being replaced with a lean-to extension. The proposal is visually acceptable and its form, scale and design sits comfortably as ancillary accommodation alongside the main house. There are no neighbour amenity implications arising from this proposal.

5.2 As the design and scale of the proposal is acceptable with all biodiversity issues now resolved, the only issue that arises in the consideration of this application relates to the objection by Natural Resources Wales. The stance taken by NRW is that whilst this is described as ancillary accommodation which has been submitted as part of a householder planning application, they have viewed the building as being self-contained and therefore more akin to a change of use proposal than an extension of the main house; hence the requirement for a FCA to be provided.

5.3 The proposed scheme however, relates both visually and physically to the main house, services are shared and the building is situated in close proximity, adjacent to the main dwelling. The proposed scheme provides modest living accommodation for the son and partner of the occupants of the main house. The living accommodation has been further scaled down by the large dedicated bat roost that is proposed as part of the scheme. It is not possible to sever this building from the main house without significantly imposing upon the residential amenity of the occupiers of either property. Furthermore it is proposed to impose a condition that ties the use of this building as ancillary accommodation to the main dwelling. Indeed given the ancillary nature of the proposal, this development is considered as a householder application for the provision of ancillary living accommodation for family members. This is a householder

development proposal and it would be unreasonable in this case to require the applicants to submit a Flood Consequences Assessment and for this reason the application is being recommended for approval without this information having been provided in this instance.

6.0 RECOMMENDATION: APPROVE

Conditions/Reasons

1. This development shall be begun within 5 years from the date of this permission
2. The development shall be carried out in accordance with the list of approved plans
3. The proposed conversion hereby permitted shall not be occupied otherwise than for purposes ancillary to the residential use of the existing dwelling.
4. The scheme should be implemented in accordance with drawing number 10A 'Proposed Bat Roost', dated 4 October 2016 and the lighting scheme as indicated on drawing 11B 'Landscape and Lighting Plan'.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Note to Applicant

1. There can be no commencement of development works until a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified development to go ahead.
2. NRW have stated that for the licence application they will be seeking to alter the bat access points including to re-locate the external access point further from the eaves of the building.
3. NRW have also stated that to improve the likelihood of the new roost provisions being successfully adopted by lesser horseshoe bats the method statement prepared to support the licence application should include suitable measures to manage the movement of bats from the existing roost sites to the new roost site and access point. This will need to include appropriate scheduling that allows a period of time in the active season when the completed new bat roost and the existing bat access to the building are available to bats at the same time.

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/10/16

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.12.2016

Appeal Decision

Site visit made on 25/10/16

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

an Inspector appointed by the Welsh Ministers

Date: 13.12.2016

Appeal A, Ref: APP/E6840/C/16/3154351

Site address: Land at Caxton Tower, Newbolds Farm, Rockfield, Monmouth, Monmouthshire, NP25 5SY

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Tony Cottrill against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice, ref. E15/195, was issued on 9 June 2016.
- The breach of planning control as alleged in the notice is, without planning permission, work to construct an outbuilding.
- The requirements of the notice are to demolish the outbuilding completely and remove the resultant material from the land.
- The period for compliance with the requirements is 3 calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

Appeal B, Ref: APP/E6840/A/16/3154336

Site address: Caxton Tower, Newbolds Farm, Rockfield, Monmouth, NP25 5SY

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 Tony Cottrill against the decision of Monmouthshire County Council.
- The application Ref DC/2015/01527, dated 2 December 2015, was refused by a notice dated 26 May 2016.
- The development proposed is an amendment to the existing planning permission, Ref. DC/2013/00623, for rehabilitation and extension of the former hunting lodge to provide 1 No. 3 bed dwelling to include the construction of an outbuilding and underground service route to connect the dwelling and outbuilding.

Decisions

Appeal A: APP/E6840/C/16/3154351

1. The appeal is allowed on grounds (f) and (g), and the enforcement notice is varied: by the deletion of the requirement in Schedule 4 and the substitution of the requirement

“Partially demolish the outbuilding by removing the roof and lowering the walls to the eaves levels specified on Drawing No. 1233-02c, as approved under planning permission ref DC/2013/00623, and remove from the land any surplus materials not required to complete the outbuilding in accordance with that Drawing; and by the deletion of 3 calendar months and the substitution of 6 calendar months as the Time for Compliance.

2. Subject to these variations the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B: APP/E6840/A/16/3154336

3. The appeal is dismissed.

Procedural and Background Matters

4. Caxton Tower is a derelict historic hunting lodge located on high ground in open countryside to the west of Monmouth. In 2009 planning permission was granted for rehabilitation and extension of the Tower to provide a 3 bed dwelling, including the construction of an outbuilding for ancillary use. Revised schemes were granted permission in 2012 and 2013, the latest being permission ref DC/13/00623 granted in September 2013.
5. Little work has been carried out on the Tower conversion so far but the outbuilding has been largely completed. Although built to the correct footprint and with the correct materials, the outbuilding has not been built in accordance with the 2013 permission. It has eaves and ridge heights some 0.4 m (though 0.7 m has also been mentioned) and 1.7 m higher than the permitted scheme as well as variations to several door and window details. A retrospective application was made for this varied scheme but was refused by the Council, and this refusal is the subject of Appeal B. The Council then issued an enforcement notice, and that is the subject of Appeal A.
6. More recently the Appellant has submitted a further revised proposal to the Council, which would retain the present eaves level and detail changes for the outbuilding but would incorporate shallower roof slopes to comply with the ridge height granted permission in 2013. That application was refused under the “non-material amendment” procedures and has now been submitted as a full planning application which has yet to be determined.

Appeal A on Ground (a) and Deemed Planning Application, and Appeal B

7. This ground of Appeal A is that planning permission should be granted for the outbuilding as built, which is the same development as that covered by Appeal B.
8. The increased height of the outbuilding roof has substantially increased the mass of the building and its visual impact. Although still considerably lower than the Tower, the balance between the relative scales of the 2 buildings has been changed such that the outbuilding has taken on a more important appearance than originally approved. This change has also been influenced by the design detail changes, albeit changes that are relatively insignificant in themselves.
9. Caxton Tower is not a listed building but it is still an attractive and distinctive historic building and will retain that interest even after the proposed extensions and refurbishment works have been carried out. The new outbuilding is an important part of its immediate surroundings and an integral part of its setting. Although public views

are limited and generally quite distant and the outbuilding is set against a wooded backdrop, its increased scale is not appropriate for an ancillary building and is detrimental to the setting of the Tower.

10. The Council also says the enlarged building is an overbearing and visually intrusive feature as one enters the site. I do not consider it to be overbearing but it is an impressive and substantial feature that detracts from the character and appearance of the Tower itself. Its more substantial and complex appearance belies its role as an ancillary outbuilding for the main dwellinghouse (Caxton Tower when converted).
11. The Appellant has drawn my attention to the fact that Cadw has raised no objections to the enlarged building. However, in its consultation response Cadw has made it clear that its role is limited to providing advice on effects on designated listed historic assets. Consequently no conclusions can be drawn from its failure to comment on the current appeals as Caxton Tower is not a listed building.
12. The Council has made reference to several development plan policies and supporting advice, particularly Adopted Local Development Plan Policy DES1 and the Council's adopted Supplementary Planning Guidance on Policies H5 and H6. Policy DES1 covers general design considerations and includes requirements to respect the existing form, scale and massing of the development's setting and neighbouring buildings and to respect built and natural views and panoramas where they include historical features or attractive or distinctive buildings. Policy H6 relates to extensions to rural dwellings, and the Supplementary Planning Guidance advises that garages should be subordinate to and not detract from the character or appearance of the main dwelling.
13. Although it is arguable that the latter may not be directly applicable, the intentions of the policies are clear, and I consider the outbuilding as currently built conflicts with these basic planning principles and policies. My overall conclusion is that the current outbuilding is unacceptably harmful to the setting of Caxton Tower and to its character and appearance, contrary to development plan policy.
14. The Council has also made reference to Policy LC1, which provides a presumption against new built development in the open countryside, and raises questions about the Appellant's failure to show any evidence of work on the Tower itself. It is noteworthy that both the 2012 and 2013 planning permissions include conditions that the outbuilding shall only be used for purposes ancillary to the enjoyment of the approved dwelling, the converted Caxton Tower. Thus, without that conversion, the outbuilding has no lawful use. However, I have no reason to doubt the Appellant's genuine intentions to carry out that conversion or to suspect that he intends to use the outbuilding for any unlawful purpose. Consequently, I have given this matter no further consideration.
15. For the reasons given above I conclude that the appeal against refusal of planning permission and the enforcement appeal on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Appeal A, Ground (f)

16. I turn now to the appeal on ground (f), which is that "the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections". The notice requires the complete demolition of the outbuilding and the removal of all the materials from the land. The Appellant argues that this is excessive and asks me to consider 2 alternatives: firstly, the removal of the present roof and its

replacement with a roof of much shallower slope so that the ridge height is the same as that approved under the 2013 planning permission; and secondly, the demolition of the present roof and partial demolition of the walls to the eaves height approved under the 2013 planning permission, which would then allow him to complete the building in accordance with the 2013 permission. The former is the scheme for which a planning application has recently been submitted to the Council but has yet to be determined.

17. The first proposal goes beyond the meaning of "lesser steps" and extends beyond the scope of ground (f) as it involves steps that are quite different and it amounts to a different development. That proposal is more appropriately considered under the planning application recently submitted to the Council. However, it would seem perverse not to accede to the second proposal. Although the Council was entitled to require complete demolition under the enforcement notice, particularly in view of its concerns about the Appellant's intentions for use of the building, I consider this to be excessive.
18. The notice describes the Council's reasons for issuing the notice, which are essentially the adverse visual impact of the building on the character and appearance of the Tower. However, in granting the 2013 planning permission, it was obviously of the opinion that the smaller outbuilding permitted would be acceptable, and the Appellant has indicated he would intend to comply with that permission in rebuilding the outbuilding. I consider that would overcome the harm to amenity that the enforcement notice aims to address.
19. For the reasons given above I conclude that the requirements are excessive and I am varying the enforcement notice accordingly, prior to upholding it. The appeal under ground (f) succeeds to that extent.

Appeal A, Ground (g)

20. Finally, it is submitted that the 3 months period given to comply with the notice is too short and a period of 12 months is requested. The Appellant says that the exposed and elevated nature of the site makes winter working difficult and that it will take some time to secure the specialist building skills needed to carry out the work. I accept the latter and to a lesser extent the former but consider 12 months would be too long to allow the present building to remain. I consider a period of 6 months would be sufficient and appropriate.
21. In the same way as for ground (f), I am varying the enforcement notice accordingly. The appeal under ground (g) succeeds to that extent.

Clive Nield

Inspector

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/12/16

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 20.12.2016

Appeal Decision

Site visit made on 14/12/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers
Date: 20.12.2016

Appeal Ref: APP/E6840/D/16/3161437

Site address: 109A Chapel Road, Abergavenny NP7 7DR

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 Eric Evans against the decision of Monmouthshire County Council.
- The application Ref DC/2016/00701, dated 14 June 2016, was refused by notice dated 21 September 2016.
- The development proposed is Erection of a free-standing car port.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character of appearance of the Abergavenny Conservation Area (CA).

Reasons

3. The appeal relates to a site occupied by a dormer bungalow and attached garage at the junction of Chapel Road and North Street within the Abergavenny CA. In the vicinity of the appeal site the CA accommodates mainly two storey residential dwellings of various ages and designs, but those which date from the original expansion of the town are predominantly of stone or brick construction, finished with render or sandstone, framed by generous front gardens and low stone walls and interspersed with substantial areas of foliage. The consistent appearance of these properties and later, sensitive residential insertions contribute positively to the character and appearance of the CA.
4. The shallow, hipped roofs of the house and attached garage are materially different in appearance to the taller pitched and gabled roofs of the adjacent residential properties. The wooden fence marking the boundary of the corner plot further emphasises the atypical visual appearance of the appeal site and, despite the low height of the dwelling, affords it a somewhat prominent appearance within the immediate street scene.

5. The southern elevation of the car port would abut the boundary of 109 Chapel Road, encroaching on the otherwise spacious setting of the adjacent two storey property, a building of significant architectural merit which contributes positively to the CA. Whilst it would share a consistent building line with the east elevation of the house, the pitched roof of the structure would relate awkwardly to the hipped roof of the dwelling and would obscure a chimney on the flank elevation of the dwelling, the stone finish of which reflects the predominant building material of the older properties nearby. The wood construction, whilst reflective of various nearby boundary treatments, would relate poorly to the predominantly render and slate exteriors of the dwelling. The singular use of wood would reinforce the overtly rural appearance of the car port which, despite the substantial mature trees and foliage nearby, would conflict with the prevailing 'town in country' architectural style of the immediate vicinity.
6. Public views of the appeal structure would be limited only to Chapel Road. Nevertheless, this is an important thoroughfare within this part of the CA, from which the proposed car port would appear as an incongruous and unsympathetic addition to the host property that would draw the eye. Its impact on the appeal site and immediate vicinity would be substantially adverse.
7. Other examples of wooden structures in the CA have been referred to, which I saw during my site visit. I am not aware of the full circumstances of the other cases being referred to, though it may be that some were built without planning permission or benefitted from permitted development rights when constructed. Whilst I accept that the nearby structure at Crossways is more prominently located than that proposed, this in itself does not justify the appeal proposal as each application must be considered on its individual merits at the time of the decision. Consequently I have attached limited weight to these other examples.
8. I acknowledge that the limited size of the existing single garage limits its use for vehicle storage. I also note that the Town Council has not raised any objections. However, these matters do not outweigh the identified harm.
9. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
10. Having regard to the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the appeal proposal would appear as a discordant and visually intrusive feature that would not preserve or enhance the character or appearance of the CA, and would be contrary to the conservation and design objectives of policies HE1 and DES1 of the Monmouthshire Local Development Plan.
11. For the given reasons, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/11/16

gan Paul Selby BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 09.12.2016

Appeal Decision

Site visit made on 22/11/16

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers
Date: 09.12.2016

Appeal Ref: APP/E6840/A/16/3158353

Site address: Land adjoining Old Coach House, Llanishen, Chepstow NP16 6QH

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 Robin Stiley against the decision of Monmouthshire County Council.
- The application Ref DC/2014/00902, dated 17 July 2014, was refused by notice dated 11 March 2016.
- The development proposed is Construction of two storey self contained dwelling and creation of new vehicular/pedestrian access.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development on the application form, I have used that contained on the Council's Decision Notice, which more accurately describes the proposal.

Main Issues

3. The main issues are the effect of the proposal on: a) the character and appearance of the immediate area and the Wye Valley Area of Outstanding Natural Beauty (AONB); b) highway safety; and c) the living conditions of neighbouring occupants, with particular regard to overlooking and overshadowing.

Reasons

4. The appeal site fronts onto a narrow lane incorporating residential dwellings, mature boundaries and low stone walls within Llanishen, a dispersed settlement of mixed character identified in the Monmouthshire Local Development Plan (LDP) as a 'Main Village'. The site falls within the existing curtilage of the Old Coach House, a dwelling of traditional rural design to which vehicular access is currently gained from a narrow rural lane to the south. An original stone structure and wall occupies part of the site and adjoins the garden of No 6 Wayne Close. A cluster of mature trees marks the boundary with other properties on Wayne Close.

Character and appearance

5. LDP policy H2 allows residential development within Main Villages such as Llanishen subject to certain criteria, including impact on village form and character. The reuse of the existing stone structure combined with the sympathetic design and modest proportions would, despite the significant glazed areas, afford the proposed dwelling a rural appearance appropriate to the context. However, the northwest wing of the appeal building would project significantly beyond the front elevations of the two neighbouring properties. Viewed from within the narrow lane fronting the site the proposal would appear substantially taller and more prominent than the current stone structure and would markedly diminish the open and verdant character of the existing garden area. The building would be taller than the Old Coach House and its height would be further amplified by its proximity to the neighbouring property. Despite the relatively narrow width of the front gabled element, it would appear as a dwelling of substantial scale, overwhelming the small plot. Whilst there is no consistent style, orientation or siting of dwellings within Llanishen, the appeal building would appear unduly prominent in nearby views, and would afford the lane a claustrophobic appearance that would materially harm the dispersed rural character of the village.
6. Furthermore, the existing stone structure and boundary wall between the appeal site and 6 Wayne Close has substantial historic charm. Despite the modern design of the neighbouring semi-detached property, the stone wall, vegetation and adjacent mature trees provide an intrinsically rural context to No 6 and its immediate neighbours, which contribute positively to the character of the village as a whole. Even were elements of the existing wall to be incorporated into the appeal building, the blank, uniform appearance of the northeast elevation of the proposal would substantially alter the setting of the neighbouring properties, with consequent visual harm to the immediate area.
7. The appellant has referred to the Newport Infill and Backland Development Supplementary Planning Guidance, but as that document relates to a different development plan I afford it substantially limited weight. I have had regard to the planning permission opposite the appeal site, but from the submitted information the design of the permitted dwelling appears materially different from the appeal proposal, particularly in terms of its separation from neighbouring buildings and its set back front elevation.
8. For the reasons given above, I conclude that the proposal would materially harm the character and appearance of the area, contrary to the design objectives of policies S13, S16, S17, EP1, DES1 and H2 of the Monmouthshire Local Development Plan (LDP). In reaching this decision I have had regard to the statutory purpose of the AONB to conserve and enhance the natural beauty of the area. I consider that the verdant appearance of much of the appeal site and the existing stone structure and wall contribute to the character and setting of Llanishen. The villages of the AONB are an essential component of the designation and the proposal, due to its inappropriate siting and visual dominance, would erode the landscape setting of the village. The proposal would thus not conserve or enhance the natural beauty of the Wye Valley AONB and would run counter to LDP policy LC4.

Highway safety

9. The appeal site would incorporate space for parking vehicles, accessed via a new driveway shared with The Old Coach House onto the lane to the northwest. There are a number of driveways and two road junctions in close proximity to the proposed

access point, and the lane is significantly limited in width. I observed on my site visit that the cluster of dwellings near to the appeal site affords vehicle drivers the experience of travelling through a village rather than the open countryside. Despite the lack of a speed limit and the low volume of traffic on the lane, these factors appeared to substantially limit vehicle speeds.

10. Based on the information before me and from what I saw on site, the visibility available from the proposed access point would fall below the minimum distances identified in Technical Advice Note 18 – Transport (TAN 18) for a built-up area. However, the curvature of the lane and the gap between the proposed dwelling and driveway would afford approaching drivers a clear view of the access point from both directions. Given the character of the lane and its effect on limiting vehicle speeds I consider that the level of visibility from and towards the proposed driveway would be sufficient to avoid harmful conflicts between road users.
11. Furthermore, I saw on my site visit that visibility for vehicles exiting the existing driveway for the Old Coach House is substantially limited to the southeast, and the curve of the lane also restricts views to the northwest. Whilst the proposal would materially increase the number of vehicles accessing the site, and similar benefits for the Old Coach House could be achieved without an additional dwelling being provided, I consider that the proposed re-sited driveway and provision of a turning area would result in an improvement in highway safety terms for the existing dwelling. I afford this substantial weight. For these reasons I conclude that the proposal would be acceptable in highway safety terms, and therefore in accordance with the objectives of LDP policies S16 and MV1, and with the general thrust of TAN 18.

Living conditions

12. The dwelling would be located on the property boundary of 6 Wayne Close, but offset to the rear of the neighbouring dwelling. The northeast elevation facing the garden of No 6 would incorporate two fixed, obscure glazed windows and one rooflight which would be over 2 metres above first floor level and would serve a bathroom. Given this, there would be no harmful overlooking from the appeal property towards No 6. Furthermore, due to the modest size and placement of the openings in the northeast elevation, I consider there would be no unacceptable perception of overlooking within the neighbouring garden or dwelling.
13. Whilst the existing garden area of 1 Church Road and the permitted dwelling within its curtilage would lie relatively close to the northwest elevation of the appeal building, views between the properties would be across a public highway and substantially screened by the tall boundary hedge.
14. The dwelling would be located at the boundary of No 6 and would be significantly taller than the current stone wall and structure. However, it would be positioned towards the north of the site, and as a consequence any overshadowing onto the neighbouring garden would be substantially limited in extent and duration. The pitched roof form would offset the bulk of the proposal and the open outlook of the neighbouring garden to the north and east would be retained.
15. For the reasons given above, I conclude that the proposal would not materially harm the living conditions of neighbouring residents and would therefore accord with the amenity objectives of LDP policy EP1.

Other Matters

16. I have had regard to other matters raised, including in relation to noise and disturbance, potential ecological interests on the site, and potential dangers of tree felling. However, as I am dismissing the appeal against a main issue for the reasons given above, I have not pursued these matters further.
17. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

18. I recognise the benefits of providing an additional dwelling within the village, and note the support received from the Community Council. I also acknowledge that the appellant has sought to adjust the design to counter the Council's concerns during the lengthy application process. Furthermore, I have concluded that the proposal would not unacceptably harm the safety of highway users or the living conditions of neighbouring residents. However, these matters do not outweigh the identified harm to the character and appearance of the area and the AONB. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR