

Application Number: DM/2018/01575

Proposal: Construction of 2no. Residential Dwellings.

Address: Cap House Grosmont Road, Llangua, Grosmont, Abergavenny

Applicant: Mr and Mrs Stark

Plans: Location Plan A100 - , Other A101 - , Other A200 - , Other A300 - ,

RECOMMENDATION: Refuse

Case Officer: Ms Kate Bingham

Date Valid: 28.09.2018

1.0 APPLICATION DETAILS

1.1 This is a full planning application for the construction of 2 no. dwellings within the garden of an existing property at Cap House, Llangua. Llangua is located around 1.25 miles to the south of the village of Pontrilas, 1.5 miles to the northwest of the village of Grosmont, and equidistant from the two service centres of Hereford and Abergavenny (both around 12 miles from the site). The proposed development comprises the construction of 2 no. two-storey four-bedroomed detached houses within the existing side garden of Cap House. The proposal also includes the provision of 2 no. new vehicular accesses off Grosmont Road to serve the new dwellings.

1.2 The site, which measures 0.16 ha, comprises the majority of the existing lawn associated with Cap House and is situated to the side (southwest) of that property. It has a substantial road frontage along Grosmont Road (see Figures 1 and 2) and is currently laid to grass. The land slopes up gently from the road towards the middle of the site, from where it falls away gently towards the north-western boundary of the site.

1.3 The proposed development has been advertised as a Departure to the Local Development Plan (LDP) as it relates to new residential development in the open countryside which is contrary to Policy S1 of the LDP in principle.

The application is presented to Planning Committee at the request of the Local Member.

2.0 RELEVANT PLANNING HISTORY (if any)

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

LC1 LDP New Built Development in the Open Countryside

LC5 LDP Protection and Enhancement of Landscape Character
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Grosmont Community Council - Awaiting response.

Local Member - Requests that the application is considered by Planning Committee.

MCC Environmental Health - No objections.

MCC Highways - Awaiting response.

MCC Planning Policy - Awaiting response.

MCC Housing Officer - Awaiting response.

4.2 Neighbour Notification

One letter of objection received:

1. No justification for this departure is given in the online application document.
2. Two 4 bedroom houses on the application would not fall under this category of Policy H7 (affordable housing rural exception sites), as they would not be affordable.
3. There may be more acceptance of two affordable, carbon neutral, sustainable 2 bedroom houses if built in accordance with the constraints of Policy H7, albeit that the site is in open countryside.
4. From the plans it is unclear if the existing old boundary wall, a characteristic feature of the roadside along with a memorial bench, will be demolished and replaced by a wooden fence or retained, as much as possible, whilst enabling two driveways access to the properties. Although the Planning Statement 5.16 claims it will.
5. As four-bedroomed houses, they are likely to attract car owners and families with children; is it possible to include a condition that there is an extension of the existing lay-by to cater for increased traffic? Also could the planning or traffic department consider reducing the speed limit, currently the national speed limit, for traffic passing along on the Grosmont Road in Llangua to 30 mph..
6. Currently there is no working street lighting along the Grosmont Road in Llangua. Should the proposed development be approved would there be additional lighting installed to illuminate the driveway / road junctions?
7. Whilst the Planning Statement provides arguments in favour of the development it does not disclose that two plots, each a four-bedroom house, recently sold for development by the applicant within the settlement have already added 12.5% to the previous housing stock.
8. The claim made by the Planning Statement that the new site is previously developed land seems to be based on an analysis of a map dated 1888-1913. Closer examination suggests that these buildings are not part of the Cap House complex, but form the core of Four Winds, the old toll house - Rosemount, and White House. (See OS (1899) Monmouthshire Sheet 11...15) This would repudiate the claim to consider PDL status.
9. It is stated that the applicants intend to occupy the southernmost dwelling, but in a recent conversation with the applicants they stated their ultimate intention was to move to nearby Ewyas Harold (Herefordshire, England) close to its many amenities thus countering many of the arguments that the development will increase support for local services. Should they

wish to remain in the community, as stated in Plough 6.1 final bullet, then they could occupy Peak Cottage, part of the Cap House complex, which they own and is currently empty.

10. Whilst not opposed to the development per se, it is the proposed size and affordability of the buildings, the loss of a longstanding open space and the impact on the traffic flow which concerns us, along with a disregard for LDP Policies LC1, LC5 and H7.

Two letters of support received:

1. Family house close to bus routes should bring new blood into the village.
2. The proposal is clearly 'infill'.
3. Increased housing and population will benefit the village and may help to sustain the church.

5.0 EVALUATION

5.1 Principle of the Proposed Development

5.1.1 Policy S1 states that outside the defined development boundaries settlements, planning permission for new residential development will not be permitted. It then goes on to state that outside the settlements listed in the Policy, 'open countryside' policies will apply where planning permission will only be allowed for certain types of residential development listed in the Policy (i.e. conversions, sub-divisions and rural worker's dwellings). Llangua is not listed as a Minor Village under Policy S1 of the LDP, and as such, it is considered to be 'open countryside', where planning permission will only be allowed for certain types of residential development - i.e. conversions, subdivisions and rural worker's dwellings). The proposed development does not fall into any of the exempted categories of residential development within the open countryside and is therefore considered unacceptable in principle under the strategic policies

5.1.2 Planning Policy Wales (PPW) requires local planning authorities to ensure that sufficient land is genuinely available at all times to provide a 5-year supply of land for housing. The latest data available from Monmouthshire County Council however, indicates that the local planning authority is falling significantly short of that objective, being able to demonstrate only a 3.9 years supply of housing land on 1st April this year. In this respect, it is clear that the adopted strategy of the LDP is not delivering housing as it should be of the LDP. However, it is not considered that a shortfall in the supply of housing land alone should constitute a reason to permit development in a location that would otherwise be considered inappropriate.

5.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications shall be determined in accordance with the adopted LDP unless material planning considerations indicate otherwise. One of those material considerations is the Council's housing land supply. As stated above, there is a shortfall in the five year land supply in Monmouthshire with the land supply currently at 3.9 years. Until July 2018, paragraph 6.2 of TAN1 required that, when considering planning applications for housing development on land not allocated in an adopted LDP, 'considerable weight' must be given to the lack of a five year housing land supply. This meant that otherwise acceptable housing development would be approved even if it were not allocated for development in the LDP. Appeal decisions in this regard were consistent and clear.

5.1.4 In July 2018, the Cabinet Secretary with responsibility for planning issued a consultation on a proposal to 'suspend' paragraph 6.2 of TAN1 for an undetermined time period, while a review of housing supply is undertaken. The Cabinet Secretary has since issued her decision, which is to disapply paragraph 6.2. The duration of this decision is unspecified. Her letter, however, goes on to state that it is now for the decision-maker (i.e.

Monmouthshire County Council as Local Planning Authority) to decide the weight to give its housing land supply shortfall.

5.15 On 20th September 2018, Council considered a report entitled "Addressing our lack of 5 year land supply: Monmouthshire's Approach to Unallocated Sites". This report set out the challenges and opportunities facing the County and our communities, including significant affordable housing need, the highest average house prices in Wales, our increasingly imbalanced demography and the resultant weak economic base, and the opportunities arising from Cardiff Capital Region City Deal and the economic growth in the Bristol area. Our housing land supply stands at 3.9 years, and our development trajectories show that by the end of the current LDP's plan period in December 2021, we'll have a shortfall of 961 homes (of which 337 are affordable homes) against the LDP housing targets. Council resolved that our housing land supply shortfall will be given 'appropriate weight' when considering planning applications for residential development on sites outside of the adopted LDP. Consideration would follow a hybrid spatial model based on a balance between evidence of delayed site delivery, which shows the greatest shortfall is within the Southern local housing market area which includes Chepstow and Severnside; and the LDP settlement hierarchy which seeks to focus growth on the three main towns of Abergavenny, Chepstow and Monmouth, then Severnside, then the rural secondary settlements of Llanfoist, Penperlleni, Raglan and Usk. The Council resolved that consideration of unallocated sites would be subject to the following ground rules:

1. Residential development is unacceptable in principle within undefended flood plain (zone C2) or on greenfield sites within defended flood plain (zone C1), as per national planning policy and TAN15;
2. Residential development is unacceptable in principle within allocated Green Wedges: the appropriate time to review Green Wedge designations is via the new LDP;
3. Residential development is unacceptable in principle on allocated employment sites. Such sites will not be released for housing development unless full compliance with LDP Policy E1 can be demonstrated and there is no realistically likely future demand for the site for employment purposes;
4. Unallocated sites are required to deliver 35% affordable housing and no negotiation will be entertained (60% where the development relates to a Main Village);
5. The development must be acceptable in other planning terms. If infrastructure is inadequate to support new development, and it cannot be satisfactorily improved via a S106 planning agreement, permission would normally be refused. This includes matters such as highway capacity, school capacity, primary health care and air quality;
6. The scale of additional residential development will be considered in the context of the LDP spatial strategy, both in its own right and cumulatively with other approved residential development.
7. Development should be restricted to the Main Towns, Severnside, and Rural Secondary Settlements (with the exception of Llanfoist where there shall be no additional development on unallocated sites outside of the new LDP); and small 60% affordable housing sites in those Main Villages without an allocated site (namely St Arvans and Llandogo).
8. The size and mix of the proposed dwellings is both suitable for the location and seeks to address our demographic challenges;
9. Any planning permissions will have a reduced lifespan: full planning permissions shall be commenced within 2 years, and outline planning permissions shall be followed by reserved matters within 1 year, with commencement within 1 year of approval of the reserved matters;
10. Applications recommended for approval shall be accompanied by a Unilateral Undertaking by the time they are presented to Planning Committee;
11. This decision ceases to have effect should we regain a five year land supply and/or meet the LDP housing shortfall identified in this report.

5.16 The Report agreed by Council in September of this year concluded that taking this approach would give the best chance of tackling the housing shortfall. It would mean that some areas that have effectively delivered on their LDP housing allocations potentially have some more development to help support the County as a whole. It is considered appropriate therefore to consider how the development proposal would meet the ground rules set out above. In this case the site is not within one of the Main Towns, Severnside or a Rural Secondary Settlements. Nor is it a proposal for affordable housing a Main Village without an allocated site. On this basis, the application does not meet the ground rules above and approval is not therefore justified on the basis of lack of housing land supply.

5.2 Design

5.2.1 Llangua is both linear and sporadic in form, with development fronting the roads supplemented by historic clusters more remote from the main linear focus of the settlement. This is evident from the historic map in which the linear development, focussed around the confluence of the two roads (the A465 and Grosmont Road). It is considered that the proposed development would be in keeping with the existing and historic form of the settlement. The proposed layout would maintain the form of the settlement, by locating the dwellings close to the road on its northern side, leaving the rear part of the site open, as was historically the case. In terms of visual impact, the proposed scheme includes retention of the garden wall to Cap House, which retains the character and importance of Cap House as one of the primary dwellings in the hamlet.

5.2.2 The design of the two houses is traditional in form and scale. Materials proposed are grey slate tile for the roof, uPVC windows, and smooth rendered walls with brick chimneys and headers and natural stone porches. Should the application be approved then a condition should be imposed requiring timber windows as this is considered to more in keeping with the rural character of the settlement.

5.2.3 It should be noted that the suitability of the design of the proposed dwellings does not outweigh the matter of the principle of development which is unacceptable.

5.3 Highway Safety

5.3.1 Two new accesses are proposed from Grosmont Road to serve each individual property which would require gaps to be punctuated into the existing stone boundary wall. Visibility in each direction is considered to be adequate given the actual speed of the road in this location, although the site is within a 60mph zone. The access to plot 1 is proposed to be immediately adjacent to the boundary with Four Winds which could present problems with visibility in the future should Four Winds wish to erect a boundary fence or planting (because the applicants have no control over this property). The proximity of the access to this dwelling may also have an adverse impact on the residential amenity of the occupiers.

5.4 Residential Amenity

5.4.1 By virtue of the location of the proposed dwellings within the plot and the fact that they have blank side elevations, except for bathroom windows with obscured glazing, overlooking of neighbouring dwellings will be kept to a minimum. However, there will be some overlooking from the existing dwelling Cap View over the garden of Plot 2 at a distance of 18m to the boundary. This is not considered to be close enough to seriously harm residential amenity.

5.5 Affordable Housing

5.5.1 The site is in the sole ownership of the applicants and is ready to bring forward immediately, subject to planning permission being granted. In this respect, whilst the site would contribute only a small amount to the Council's overall shortfall of housing, the applicant argues that it would do so in a location that would support the local rural community and has indicated that they would agree to deliver a financial contribution affordable housing in the County. As such, if minded to approve the application then consent would be subject to a Section 106 legal agreement to secure this.

5.6 Ecology

5.6.1 The site area is currently laid to lawn and thus of limited biodiversity value. 5.7 Well-Being of Future Generations (Wales) Act 2015 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' wellbeing objectives set out in section 8 of the WBFG Act.

6.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1. The proposed development does not fall into any of the exempted categories of residential development within the open countryside and is there considered unacceptable in principle under strategic Policy S1 of the adopted Monmouthshire Local Development Plan, forming sporadic development in an unsustainable location in the open countryside.