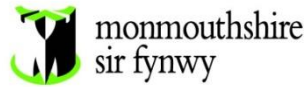


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Wednesday 31st March 2021

Notice of meeting:

Planning Committee

Tuesday, 13th April, 2021 at 2.00 pm
Remote Meeting

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 - 12
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DM/2020/00720 - The erection of a two-storey, two-bedroom house in the parking lot at the rear of 11 Bank Street, Chepstow. 11 Bank Street, Chepstow, NP16 5EN.	13 - 24
4.2.	Application DM/2020/01076 - Use of existing agricultural dutch barn for the storage of cars. Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk.	25 - 30
4.3.	Application DM/2020/01077 - Static caravan for use as temporary residential accommodation (one year) while barn conversion is under construction at Clawdd y Parc Farm. Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk.	31 - 36
4.4.	Application DM/2020/01258 - Construct new detached storage building with offices and staff room. Mounton Brook Lodge, A48 Chepstow Garden Centre To Pwllmeyric Hill, Pwllmeyric, Monmouthshire, NP16 6LF.	37 - 46
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Catry Cottage, Quarry Road, Star Hill, Devauden.	47 - 50

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Ruth Edwards	Llantilio Crossenny;	Welsh Conservative Party
County Councillor Peter Clarke	Llangybi Fawr;	Welsh Conservative Party
County Councillor Jeremy Becker	St. Mary's;	Liberal Democrats
County Councillor Louise Brown	Shirenewton;	Welsh Conservative Party
County Councillor Alan Davies	Green Lane;	Independent
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor David Evans	West End;	Welsh Labour/Llafur Cymru
County Councillor Mat Feakins	Drybridge;	Welsh Conservative Party
County Councillor Roger Harris	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jim Higginson	Severn;	Welsh Labour/Llafur Cymru
County Councillor Giles Howard	Llanfoist Fawr;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Castle;	Welsh Conservative Party
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party
County Councillor Sheila Woodhouse	Grofield;	Welsh Conservative Party

:

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

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

This meeting may be viewed online by visiting the link below.

<https://democracy.monmouthshire.gov.uk/ieListMeetings.aspx?Committeeld=141>

This will take you to the page relating to all Planning Committee meetings. Please click on the relevant Planning Committee meeting. You will then find the link to view the meeting on this page. Please click the link to view the meeting.

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

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

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.

Planning policy context

Future Wales – the national plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales – the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Monmouthshire's Local Development Plan (LDP) sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over a 10 year period to 2021. The plan area excludes that part of the County contained within the Brecon Beacons National Park. It has a fundamental role in delivering sustainable development. In seeking to achieve this it sets out a framework for the development and use of land and for the protection of the environment. It also guides and facilitates investment decisions as well as the delivery of services and infrastructure. It determines the level of provision and location of new housing, employment and other uses and sets the framework for considering all land use proposals during the plan period. 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 (revised version) (adopted July 2019)

- 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)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017
- Affordable Housing Supplementary Guidance July 2019
- Infill Development Supplementary Guidance November 2019

National Planning Policy

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

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition10 (at time of publication)
- 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)
 - TAN 24: The Historic Environment (2017)
 - 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 as 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.

Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

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. **The conventional protocol has been modified to allow public speaking via pre-recorded videos.**

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video. 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. This will also be via a pre-recorded video.

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.

Once the request to speak has been registered by the Council the speaker must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration. If the third party does not wish to record a video they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below.

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

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.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- 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 submit a video of their response of up to 5 minutes in duration.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - Speakers may speak only once.
 - Committee Members may then raise technical questions with officers.
 -
- Planning Committee members will then debate the application, commencing with the local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Where an objector or supporter or applicant/agent community or 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's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who

proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.

- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
-
- 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.

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 2nd March, 2021 at 2.00 pm

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

County Councillors: J. Becker, L. Brown, A. Davies, A. Easson, D. Evans, M. Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell, A. Webb and S. Woodhouse

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

County Councillor A. Easson declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2020/01872 as he spoke on this matter on behalf of Caldicot Town Council. He then observed proceedings and abstained from voting on this application.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 2nd February 2021 were confirmed and signed by the Chair.

3. Application DM/2020/00881 - Removal of condition 1 from planning consent 2314 (Date of Decision: 01/09/1975) - Occupation of the proposed bungalow shall be limited to a person employed or last employed wholly or mainly locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or a dependent of such person residing with him. Bushes Farm, Chapel Road, Earlswood, Monmouthshire

We considered the report of the application which was recommended for approval as follows:

The occupancy of the dwelling shall be restricted to those:

- a) solely or mainly working or last working on a rural enterprise in the locality where there is / was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;

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- b) who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either a) and b);
- c) widows, widowers or civil partners of the above and any resident dependants.

Shirenewton Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'1. Shirenewton Community Council objects to the entire removal of the Agricultural Occupancy Condition (AOC) but would approve a variation extending it to allow occupation connected to local rural enterprises on the following grounds as we understand that a market gardener has expressed interest in acquiring the property.

2. The site consists of a dilapidated bungalow unoccupied now for some 11 years. The applicant asserts that the property has been on the market for over a year and interest has come from buyers who in the main cannot satisfy the agricultural occupancy condition although an offer of £142000 with the AOC remaining in place was rejected. The applicant has however imposed an overage clause for further money to be paid in the event of discharge of the AOC or the grant of planning permission, which clause does not appear to have been factored into the property valuations by the selling agents nor the District Valuer. The offer of £142,000 demonstrates that the property is saleable albeit not at the price sought by the applicant, which is not a reason for discharging the AOC, neither is the applicant's assertion that the AOC prevents him obtaining a loan for the cost of the renovation work as if correct the applicant's recourse is the sale of the property. We now understand that the offer of £142,000 has been overtaken by a much higher offer from the prospective market gardener. This demonstrates that there are buyers who would fund the work. Indeed we understand the applicant himself only acquired the site (with the farm) in very recent years.

3. That no farm or forest employee has come forward either to buy or rent the property is more an indication of what they can afford. As a community our residents desire housing to be available at a price reflecting what our families can afford. Retaining the AOC constrains the market price making the property more affordable for farm and forest businesses and extending the AOC to rural enterprises would increase the market for such a property. Removing the AOC in its entirety would at a stroke release the property onto the private residential market and the price would jump by some 30%, pricing out any local or rural worker or enterprise. A single property like this is of no interest to the housing associations being too remote to service.

4. We note that the application is for variation or removal of the AOC and we invite Monmouthshire County Council to vary the condition to encompass rural workers and enterprises and / or those with an established local connection – such as families on its housing list.

We are grateful that Monmouthshire County Council rarely discharges its AOC as this plays an important part in maintaining the local landscape character for current and future generations.'

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The applicant, Mr. Richard Harry, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- The applicant bought the property at auction in 2016 with plans to renovate it.
- The applicant did not appreciate what impact the existence of the tie would have on his plans.
- Because of the poor condition of the property and that the applicant does not meet the tie in planning terms he has been unable to obtain finance. The minimum renovation costs are significant.
- The applicant explored whether the agricultural tie could be removed and sought pre-application advice from the Planning Department. Planning Department advice was that if the applicant wanted to remove the tie then the property would have to be marketed.
- At this point the applicant determined that he would market the property with a view to selling it if a fair offer could be achieved. If he could not receive a fair offer then he considered that he would have a good case to remove the tie.
- The applicant has been fully transparent with the Planning Department regarding what was being marketed and the guide price of the property and no objections were raised.
- After 12 months the marketing exercise failed to secure a purchaser so this planning application was submitted.
- The test applicable is very simple. Firstly, the Committee has to be satisfied that the marketing exercise has been carried out correctly and planning officers believe this to be the case. Secondly the Committee has to be satisfied that there is no demand for this particular property. This is the point where it is considered by the applicant that the Planning officer's report is incorrect.
- The applicant made the following points with regard to the Planning report:
 - The Planning Department has reached its conclusion that there is demand by classing mere expressions of interest that are claimed to have been heard. This is incorrect. Demand is only proven if there is an acceptable and proceedable offer made by someone who is able to meet the occupancy condition. There is no such demand.
 - The Planning Department considers that there is demand for rural enterprise dwellings in Monmouthshire generally. This is irrelevant for the purpose of determining this application.
 - The evidence submitted by the applicant proves there is no demand for the property as a rural enterprise dwelling. The marketing process sought to establish the background of potential purchasers when an enquiry was made.

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No demand has been shown from any rural enterprise workers in the previous 20 months. This means that the removal of the tie is justified under Welsh Government Guidance.

- It was considered that officers have not taken into account the marketing report which should have been the basis on which demand was assessed. Instead, expression of interests have been taken into account.
- What could be a desirable rural property remains unoccupied and deteriorates further.
- The applicant considers that the officer recommendation within the report is incorrect and that complete removal of the tie is justified.

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

- The local Member outlined the planning history of the site.
- Private market housing is available locally but there is a need to retain the supply of rural and affordable dwellings to support the local rural economy and not price rural enterprises out of the market.
- The officer recommendation within the report follows national planning policy in TAN 6 to approve the widening of that tie bringing it up to date to cover a rural enterprise and affordable housing tie.
- If the tie is removed then the property will be sold as a private dwelling at an increased price and will reduce the number of much needed rural enterprises and affordable dwellings needed in this rural farm based area.
- TAN 6 states that when lifting existing agricultural occupancy conditions, the local planning authority should consider replacing the existing agricultural occupancy condition with the rural enterprise dwelling condition to meet the housing needs of rural workers and local people in need of affordable housing.
- There have been more than expressions of interest made in respect of this dwelling. Offers have been made.
- The local Member expressed her support for the officer recommendation as outlined in the report.

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

- Support was expressed for the inclusion of a rural enterprise condition.
- Concern was expressed that imposing the TAN 6 regulation might condemn the dwelling to being empty for an even longer period.

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- Concern was expressed that the purchase price of the dwelling with the required renovations might be too expensive to purchase for many agricultural workers.
- It was noted that there is not a financial contribution for change of use of commercial buildings into residential properties.
- With regard to this application, there is no opportunity to claim any additional affordable housing contributions for the property.

The local Member for Shirenewton summed up as follows:

- The officer recommendation as outlined in the report should be followed.
- The applicant marketed the property at £200,000. However, the District Valuer valued the property at £185,000. If the tie is removed, its value will be £265,000.
- None of the original applicant's estate agents valuation of 2000 took account of the overage condition that the applicant was placing on the property when offering it for sale. It means that there is equivalent to a penalty clause on the land if a buyer purchased it for £140,000 rather than £185,000 they would still have to pay the seller the uplift if the agricultural tie was removed or the property extended in the next 35 or 50 years, meaning the buyer would have to pay the seller in the region of £40,000 if the new buyer gave permission to remove the agricultural occupancy condition.
- All of this would occur without the applicant having to make any affordable housing contribution if the AOC is removed.
- The enquiry of the housing associations on affordable housing was a 'tick box' exercise.
- It had not been made clear that a housing association could apply to modify the condition.
- The new condition makes it clear that if there is no one eligible for the Rural Enterprise Condition then it can be considered for people eligible for affordable housing.
- The District Valuer was asked after the main report about the extra overage condition and stated that it would be unlikely to have a major impact to the valuation but the only real way of knowing this is if it was marketed without the overage clause. Even if it was advertised without this clause the condition of the property's lack of land it comes with may still deter prospective purchasers. However, despite all of this the offer detailed in paragraph 6.5 of the report has increased to £200,000.
- It is not merely an expression of interest. The local Member considers that the property will not be left to deteriorate. By extending the condition to a Rural Enterprise, it opens the dwelling up to opportunities such as market gardening.

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- There is an interest in this property despite its condition. There are no issues relating to obtaining a mortgage.
- It will be contrary to National Planning Policy not to follow the officer's recommendation as outlined in the report.
- Monmouthshire needs more affordable rural enterprises.

It was proposed by County Councillor L. Brown and seconded by County Councillor M. Powell that application DM/2020/00881 be approved as follows:

The occupancy of the dwelling shall be restricted to those:

- a) solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;
- b) who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either a) and b);
- c) widows, widowers or civil partners of the above and any resident dependants.

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

For approval	-	11
Against approval	-	2
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2020/00881 be approved as follows:

The occupancy of the dwelling shall be restricted to those:

- a) solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;
- b) who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either a) and b);
- c) widows, widowers or civil partners of the above and any resident dependants.

4. Application DM/2020/01872 - Change of use of retail shop A1 to A3 take-away (hot) food (resubmission of DM/2019/01648). Cobblers Pride, 9 Newport Road, Caldicot, NP26 4BG

We considered the report of the application and late correspondence which was

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recommended for approval subject to the three conditions outlined in the report.

Should the Planning Committee be minded to approve the application, officers recommended that an additional condition be imposed to secure details of the proposed flue to the rear of the unit to ensure amenity issues of third parties are safeguarded and retained in perpetuity.

Councillor A. Easson, representing Caldicot Town Council, outlined the following points:

- Within a quarter of a mile there are 12 food outlets and two public houses. The Town Council had expressed concern that to add an additional outlet would not be a benefit to the town centre.
- Recently, a fresh fruit and vegetable shop was opened within the town centre.
- When the Covid-19 restrictions are removed, the only non-essential properties re-opening in the town centre will be two gift shops, a card shop and a charity shop.
- The Town Council would like the developers to investigate ways of getting retail outlets back into the town centre.
- Consultation is currently underway to enhance the whole of the town centre via major financial input. The Town Council has concerns whether this proposal will fit in with the re-development of the town centre.

Mr. W. Collins, applicant's agent, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

'These representations are made by Rackham Planning on behalf of the applicant, the owner of an existing Caldicot based business, in support of the application for a change of use from A1 retail to A3 hot food take-away at 9 Newport Road, Caldicot.

We are pleased to note that approval of the application is supported by the case officer, Caldicot Town Team and Highways Development Control.

We consider this proposal would benefit the town centre by bringing a vacant unit back into use, increasing footfall throughout the day and evening, whilst also helping safeguard the future vitality of the town centre. The unit has been vacant for two and a half years and is currently having a harmful impact on the vitality of the street frontage. By being empty the unit is detracting visitors from making a journey to the town centre and offering no support to the aims and purpose of the town centre. Therefore, this proposal offers an opportunity for the unit to have a positive impact by being brought back into use. The proposed opening hours from midday to 23:30 in the evening Monday to Sunday will engage the premises with lunchtime trade and attract footfall throughout the week.

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Whilst noting that Caldicot Town Council recommended the previous application to be approved, we understand their concern that there are already a number of take-aways in the town centre. However, town centres all around the country are in a stage of transition and with the shift to online retailing, there is simply no demand at this time for retail, as evidenced in the marketing assessment prepared by Bladen Property Consultants and the fact the premises has been empty for two and a half years. Put bluntly, there is therefore a choice between an empty unit which has a detrimental impact on the town centre or bringing the unit back into use to generate footfall and provide a service for the community.

Council Policy RET1 provides clear guidance that a change of use to an A3 use is permissible if it can be demonstrated that the proposed use would not harm the vitality of the street frontage, or the premises have been vacant for at least 2 years and genuine attempts at marketing the existing use have been unsuccessful.

Although only one of these criteria needs to be satisfied, we consider that our proposal satisfies both. The proposed use would not harm the vitality of the street frontage, indeed we consider it would improve the vitality of it by being open throughout the day and evening, and the marketing assessment confirms that the premises has been empty for two years and genuine attempts at marketing the unit have been unsuccessful.

We hope that you will be able to support our application made on behalf of a Caldicot based business owner this afternoon. Thank you.'

The local Member for Green Lane ward, also a Planning Committee Member, outlined the following points:

- Town Centres must adapt to differing circumstances.
- In view of the changes that have been made, an empty shop will be occupied by a business and investment and employment will be brought to the town centre.
- The local Member expressed his support for the application.

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

- Concern was expressed that if approval is given to change the unit to A3 use then it will be difficult in the future to change the use back to A1 use.
- Planning Policy Wales (PPW) 11 recognises the periphery of town centres and it is acknowledged that the Local Development Plan (LDP) will need to recognise that town centres are going to have to shrink to concentrate on making unit usage more attractive places.
- Concern was expressed regarding the opening hours on a Sunday and that the hours should be amended so that the proposed A3 takeaway will close at 10.00pm on this day.

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- A Member questioned whether this was the right time to be making a decision on this unit. The unit has been vacant for two and a half years but a year of that time has been during the Covid-19 pandemic whereby non-essential retail has had to close.
- It was considered that there were too many A3 units already located within the town centre which was preventing new businesses from setting up there.
- An additional A3 business will take business away from existing A3 businesses within the town centre.
- In response to a question raised regarding the flue at the rear of the unit, it was noted that a condition would be added to agree full details that would include technical specifications relating to any noise or odour mitigation where Planning officers could consult with the Environmental Health Department with a view to agreeing a condition discharge application.
- The property has been vacant for two and a half years. A functioning shop would be better than having an empty shop with a view to helping towards revitalising the town centre.
- We need to be more relaxed and flexible about change of purpose in order to fill empty units within our towns and to re-energise our high streets.

The local Member summed up by expressing his support for the application.

It was proposed by County Councillor A. Davies and seconded by County Councillor M. Feakins that application DM/2020/01872 be approved subject to the three conditions outlined in the report and that an additional condition be imposed to secure details of the proposed flue to the rear of the unit to ensure amenity issues of third parties are safeguarded and retained in perpetuity. Also, that a further condition be added to ensure the opening hours on a Sunday would be amended so that the proposed A3 takeaway will close at 10.00pm on this day.

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

In favour of the proposal	-	8
Against the proposal	-	3
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/01872 be approved subject to the three conditions outlined in the report and that an additional condition be imposed to secure details of the proposed flue to the rear of the unit to ensure amenity issues of third parties are safeguarded and retained in perpetuity. Also, that a further condition be added to ensure the opening hours on a Sunday would be amended so that the proposed A3 takeaway will close at 10.00pm on this day.

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5. Presentation on Future Wales 2040 - The National Plan

We received a presentation on Future Wales 2040 – The National Plan. In doing so, the following points were noted following questions:

- In terms of Future Wales Policy 1 the Welsh Government supports sustainable growth in all parts of Wales.
- There are three national growth areas with specific areas outlining where employment and housing should be prioritising infrastructure.
- The challenges in Monmouthshire are affordability, age demographic and connectivity. A level of growth is required in order to address our issues and objectives.
- The National Plan is clear in supporting rural locations and the rural economy.
- The key is to create sustainable development and have the right development in the right locations.
- A certain level of growth is required in order to address the key issues such as providing affordable housing.
- The level of development is in line with the National Plan.
- In terms of the green belt, the Strategic Development Plan (SDP) will allocate that land providing a more definitive map of where this development will be located. However, it was acknowledged that further details were required.
- In terms of the Green Belt and the SDP, the Corporate Joint Committee will be developing the SDP. Welsh Government has outlined specific Strategic Development Plan regulations regarding how that plan will develop as well as ensuring that there will be full consultation on the document with local communities and the South East Wales region. The process will be similar to the Local Development Plan consultation process.
- With regard to the growth level, Monmouthshire has local issues and local challenges to address. A key element is ensuring that there is sustainable development with a view to meeting Monmouthshire's housing requirements and to address affordable housing challenges in terms of affordability.
- The Future Wales Plan outlines the need for 110,000 homes across Wales. There are 7605 homes in the proposed option for the replacement plan. There are 2945 new allocations on new sites. Given the scale of Monmouthshire and the challenges that we have, the level of growth is in proportion with the aims of Future Wales.
- For the new Local Development Plan, the projected housing numbers are 450 dwellings per annum.

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- The Head of Planning would arrange a Local Development Plan workshop for all Members to attend in respect of the Future Wales 2040 National Plan.

The meeting ended at 4.18 pm.

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Proposal: The erection of a two-storey, two-bedroom house in the parking lot at the rear of 11 Bank Street, Chepstow.

Address: 11 Bank Street, Chepstow, NP16 5EN

Applicant: Ms. Sarah Stockley

Plans: All Proposed Plans 140 PL02 Rev G - G, Location Plan 140-PL01 Rev G - G, Site Sections 140-EX01 - , Design and Access Statement - , Elevations - Proposed PL03 A - Rev A, Other 140 - 3 D Views,

RECOMMENDATION: APPROVE

Case Officer: Ms. Kate Young
Date Valid: 08.06.2020

This application is presented to Planning Committee as there is an unresolved objection from the Highway Authority

1.0 APPLICATION DETAILS

1.1 Site Description

Number 11 Bank Street is a Grade II listed building located within the Chepstow Development Boundary, the Chepstow Conservation Area and the designated Central Shopping Area. There is a shop on the ground floor with residential accommodation above covering two levels. To the rear of the property is a very long narrow garden with a garage and parking accessed off The Dell Car Park. The plot is a long narrow strip of ground approximately 6.7m wide. The south-western boundary is flanked by a high stone wall while the north-eastern boundary is the rear elevation of a row of small shop units. The surface of the plot is currently compacted gravel. Planning permission (DM/2019/00482) was granted in 2019 for two dwellings to be erected in the site immediately to the west of this plot at no. 10 Bank Street. That approval was an alteration to a scheme approved in 2013.

1.2 Value Added

Following extensive negotiations with officers the design of the proposal has been significantly amended and reduced in size.

1.3 Proposal Description

The application seeks the demolition of the timber storage shed on the site and the erection of a detached dwelling. The dwelling, which would have an overall footprint of 4.8m by 15m, would comprise two sections - a two storey element 8.8m wide and a single storey element closer to the existing dwelling measuring 6.2m. The two storey element would have a ridge height of 6m while the single-storey part would be 4.2m high to the ridge.

The single storey section would contain the main living accommodation and would have patio doors on the south-eastern elevation facing towards the listed building. The proposed dwelling would be finished in painted render and would have a slate roof. The existing vehicular access from the car park would be utilised and three off road car parking spaces would be provided.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision
DM/2020/00720	The erection of a two-storey, two-bedroom house in the parking lot at the rear of 11 Bank Street in Chepstow.	Pending Determination

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision

S2 LDP Housing Provision

S4 LDP Affordable Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport

S17 LDP Place Making and Design

Development Management Policies

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

RET2 LDP Central Shopping Areas

SD4 LDP Sustainable Drainage

NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection

MV1 LDP Proposed Developments and Highway Considerations

DES1 LDP General Design Considerations

HE1 LDP Development in Conservation Areas

Supplementary Planning Guidance

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Chepstow Conservation Area Appraisal (March 2016):

<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/chepstow-conservation-area-appraisal>

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Chepstow Town Council - Approve subject to the following conditions

1. That the proposed development is moved slightly away from the adjacent building to allow easier access for maintenance;
2. That the drainage plan is submitted

MCC Heritage - No objection

The application has been subject to many revisions seeking to address the main issues of bulk, mass and visual appearance in the Conservation Area.

The most recent plans show the significant reduction in the first floor element of the proposals and amendments to the materials.

The proposals involve a residential unit to the rear of the listed building, in the long garden plot that extends from the back of Bank Square to the car park. The ground rises up from the street and levels up at the car park. In this respect the principle of development here is acceptable and therefore is subject to the above issues.

The revised plans show a reduced mass and scale of the whole building addressing concerns that the first floor created an overtly dominant feature. As now proposed it is considered that the changes address these concerns and that given the building is set back into the plot and will be read with the backdrop of the taller listed buildings to the front of the site.

The design has been presented as a modern interpretation of a coach house or similar back-land development, therefore the modern roof finish matches this design approach and is considered appropriate. Given the proposed changes, it is not considered that as amended the proposals fail to preserve the special character of the conservation area.

Glamorgan Gwent Archaeological Trust (GGAT) - The proposal will require archaeological mitigation.

The Historic Environment Record shows the application area is situated within the medieval town, in the Chepstow Archaeologically Sensitive Area, some 70m inside the Port Wall, a Scheduled Ancient Monument. Archaeological work in the town has shown the survival of archaeological features, including archaeological work at the adjacent property, which encountered remains of surfaces, walls and finds of between Medieval and Modern date. It is our professional opinion that archaeological deposits exist within the development area. The existing area has been disturbed to some extent and has structures on it, however, the disturbance caused by these is unlikely to have removed archaeological deposits and given our understanding of the nature of the archaeological resource there is a medium to high potential of these being encountered during the development.

We therefore recommend that a condition should be attached to any consent granted to ensure appropriate mitigation. This condition will require the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation.

Dwr Cymru-Welsh Water - Requests a condition requiring a drainage management scheme.

MCC SAB Authority - A surface water management scheme will be required by condition. SAB approval will be required prior to any works commencing on site.

MCC Ecology - No objection

The ecological assessment covers the development site and the potential impacts on adjacent properties as a result of the development. The sheds present on site currently hold negligible potential for bats, the adjacent buildings were inspected from the site and it was noted that there were some areas of potential at the fascias. Closer inspection have been ruled out. Due to the presence of these features it is proposed to adopt precautionary measures during construction

works, these methods should be secured via condition. There is also potential for limited impacts on birds, hedgehogs and reptiles during construction work.

We have reviewed the proposals against the potential for impacts on Special Areas for Conservation, as the site falls within the buffer zone for the Wye Valley and Forest of Dean Bat Sites SAC, the Wye Valley Woodlands SAC and the Severn Estuary SAC, SPA, RAMSAR. It is considered that due to the location, the scale of the proposal and the potential impacts that a HRA assessment is not required. The ecology report details bird mitigation and enhancement measures which are acceptable but will need to be secured on plan prior to determination.

MCC Highways - Object

The application proposes the change of use of the existing informal car parking area to the rear of the property currently accessed via the Council's Welsh Street car park. The proposed dwelling will be accessed from the car park and provide the requisite number of car parking spaces in accordance with the council adopted parking standards; unfortunately the current parking provision for the commercial premises and residential (flat) associated with 11 Bank Street will be lost as a consequence of the development.

The highway authority consider that the number of parking spaces lost as a consequence of the proposal is not acceptable and will place further stress on the local streets and lead to further demand for non-retail or visitor parking in the car park. It is recommended that the council, are approached as land owner for their views and observations regarding the change of use and access from the car park.

The highway authority object to the proposal on the grounds that the level of off street parking proposed is not sufficient for the overall development.

5.2 Neighbour Notification

None Received

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

With regards to the principle of new residential properties in this location the site is within the Chepstow Development Boundary. Policies S1 of the LDP says that the main focus for new housing development is within or adjoining Main Towns and Chepstow is one of the three main towns. Policy H1 of the LDP presumptions in favour of new residential development within development boundaries, subject to detailed planning considerations. The principle of new residential development in this location is therefore acceptable in policy terms. PPW Ed.11 recognises the need to provide sufficient housing in an area to meet housing need.

6.2 Sustainability

The Local Development Plan and PPW encourage sustainable development and promote making the most efficient use of brownfield land. This is a very sustainable location for new housing development being located within the town centre within easy walking distance of a large range of facilities including shops, places of entertainment and medical facilities. The site is also within walking distance of a train and bus station. The proposal accords with a key objective of PPW Ed.11 providing residential accommodation in a sustainable location. The proposal is to develop on a brownfield site.

6.2.1 Good Design

The proposal is for a small, low level dwelling. The design has been presented as a modern interpretation of a coach house. This design approach is considered appropriate. The architecture is simple and complemented by a palette of high-quality materials that integrates the development with its surroundings. Following extensive negotiation between officers and the architect, the design of the proposal has been significantly altered and the two storey element reduced in size. The revised plans show a reduced mass and scale of the whole building, addressing concerns that the first floor created an overtly dominant feature.

Policy DES1 of the LDP requires that the dwelling contributes to a sense of place while its intensity is compatible with existing uses. The proposed dwelling will be seen in the context of the shops, library and public convenience accessed off the carpark rather than the properties facing onto Bank Street. This new dwelling will also be seen in the context of the two new dwellings currently being constructed on the adjacent plot. There is a mix of architectural styles in this location and there is no prevailing character of building. The design and finishing materials for the proposal are considered acceptable, and the proposal would enhance this part of the conservation area and contribute to a sense of place. The proposal will provide a house that is affordable as a starter home or for someone downsizing who will appreciate the contemporary, high quality architecture and materials. The design of the dwelling is respectful of the prevailing character of the area and contributes towards a sense of place. The proposal therefore accords with the objectives of Policy DES1 of the LDP.

6.2.2 Place Making

PPW Ed.11 says that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. In this case the layout, form scale, visual appearance of the development does engage with its surroundings. The proposed new dwelling will not be visually prominent within the Chepstow Conservation Area but the side elevation will be glimpsed at a distance from the car park and the part of the rear elevation will be seen above the shops on Rifleman's Way. The design, massing and scale of the proposed dwelling reflect the character of traditional dwellings within the Chepstow Conservation Area. The design of the dwelling will contribute to a sense of place thus complying with one of the key objectives of PPW Ed.11.

6.2.3 Green Infrastructure

This is a relatively small area within an existing built up area; there is little scope for large scale Green Infrastructure proposals. There is no vegetation on the site at the moment, it has a surface of compacted gravel. A small enclosed garden is being proposed to the south of the property. This could contain some shrubs if the owner so wishes but the garden will not be viewed from any public vantage point.

6.3 **Historic Environment**

The site is located in the Grounds of a Grade II Listed Building and the Chepstow Conservation Area. Number 11 Bank Street was listed in 1972 due to its importance as a Georgian house/ shop and a key architectural element of the listed range of Lower Bank Street. The property dates from the 18th century and was re-modelled in the 19th and 20th centuries. The application has been subject to many revisions seeking to address the main issues of bulk, mass and visual appearance in the Conservation Area. The proposed new building is set back into the rear garden of the listed building and reads as a distinctly separate unit which may well have been a modernised outbuilding. The urban nature of the listed buildings mean that they are all close together and so there is a small intimate space to the rear of the building which is to be expected in this context and is maintained. The new building is not considered to have a detrimental impact on the special character or setting of the listed building.

The most recent plans show the significant reduction in the first floor element of the proposals and amendments to the materials. The proposed building is set back into the plot and will be read with the backdrop of the taller listed buildings to the front of the site. There is a variety of building heights and forms in the immediate vicinity and therefore it is considered that the revised scheme will protect the special character of the conservation area and will not create an incongruous or dominant building in this context. MCC Heritage officers are satisfied that the amended design will not fail to preserve the special character of the conservation area and therefore offer no objections.

6.4 **Biodiversity**

A Preliminary Ecological Appraisal and Bat Roost Appraisal was submitted as part of this application. The survey found that the existing sheds had a negligible potential for bat roost activity with no evidence of use by bats or nesting birds. A disused birds' nest was found within the historical stone wall at the south/ south-
Page 18
boundary and as a result some precautionary working methods are proposed. There is also some low potential for the presence of common reptiles or hedgehogs and again precautionary working methods of clearance and construction

are proposed. In line with planning policy, measures to provide biodiversity enhancements are suggested. MCC Ecologists reviewed the Appraisal and agreed with its findings, being satisfied with the mitigation proposed and have suggested conditions to ensure that the work is carried out in accordance with the mitigation.

6.5 Impact on Amenity

To the north-east of the site is a row of shops which extend right up to the common boundary. They have their rear elevations abutting the site. There are no openings on the rear elevations. The rear wall of the proposal will abut these so there are no openings on the rear elevation of the proposal except for two roof lights. The existing shops will not be impacted by the proposal in terms of overlooking or overbearing impact.

To the south of the proposed site is the rear garden of the existing property no. 11 Bank Street. The garden is set at a lower level than the proposed dwelling. There will be approximately 28m between the rear elevation of the main dwelling and the side elevation of the proposed one. This is considered sufficient distance and complies with the guideline in the SPG on Infill Development.

There is a development of two houses under construction at the rear of no. 10 Bank Street. These would have ground floor windows on the rear elevation but this would not result in overlooking because of the high stone wall along the common boundary. There will be two roof lights on the rear elevation but these will not overlook due to the relative position which is set much closer to the rear of number 10. The layout of the proposed development accords with the objectives of policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

6.6 Highways

6.6.1 Sustainable Transport Hierarchy

PPW Ed.11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in the centre of Chepstow within easy walking distance to all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public transport links including the bus and railway stations. This site occupies one of the most sustainable locations in the County and the occupiers of these dwellings will be less reliant on the car to go about their daily business.

6.6.2 Access / Highway Safety

There is an existing access into the site from the Welsh Street car park and this has been used for many years. The proposal does not seek any alterations to this access. The increase in traffic generated by this small two-bedroom property will not be significant when compared to the amount of traffic currently using Welsh Street Car Park and Chepstow Town Centre as a whole. It is believed that the local road network has the capacity to accommodate the likely increase in vehicle movements as a result of this proposal especially given the sustainable location of the site. The development will not create significant or unacceptable additional traffic growth in relation to the capacity of the existing road network and it does provide a safe and easy access for road users.

The proposal therefore accords with this part of Policy MV1 of the LDP.

6.6.3 Parking

At present the site provides parking for the shop and existing flat at 11 Bank Street. The proposal is providing three off street parking spaces in total for all three units. The adopted Monmouthshire Parking Guidelines require 1 car parking space per bedroom for the new dwelling. The Highway Authority object to the proposal on the grounds that the level of off street parking proposed is not sufficient for the overall development. The flat has one allocated parking space. The shop is less than 200m² in area so only requires one parking space. The new development requires 2 spaces to be within the standards but only one is being provided. However, this space is fully in accordance with Part M access requirements. Given that this is such a sustainable location within the town centre, within easy walking distance of all facilities and adjacent to a public car park the provision of one car parking space for this modest dwelling as proposed is considered acceptable.

PPW Ed.11 states in paragraph 4.15 says that a **Page 10** led approach should be taken to parking provision, which ensures that an appropriate level of car parking is integrated in a way that it does

not dominate the development. Parking provision should be informed by the local context including public transport, accessibility and other objectives that reduce the reliance on the private car and support a modal shift to walking, cycling and public transport. In this case the town centre location means that the occupier(s) of the new dwelling has good access to public transport and is within walking distance of all of the facilities in the town centre. Planning officers therefore considered that there can be a relaxation in the car parking provision as the development is located within easy walking distance of all the major attractors and amenities and accords with PPW11 in this regard.

6.7 Affordable Housing

Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is 5 or more units in Chepstow, then a financial contribution is appropriate. The financial contribution is based floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019)

The property has an internal floor area of 85 sq.m so the financial contribution required is £5,916.00

The applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement. The proposal accords thus with Policy S4.

6.8 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15.

6.9 Drainage

6.9.1 Foul Drainage

The applicant has indicated that the foul drainage will go to main sewer. Welsh Water has no objection to this but recommends that a condition be imposed requiring a drainage scheme be submitted prior to development commencing.

6.9.2 Surface Water Drainage

The surface water will be disposed of by means of SuDS. There is some space within the existing garden and the parking area if a permeable surface was to be used. The SuDS will be reviewed as part of the drainage system that is being requested by condition. The system will need to manage surface water to comply with national standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to and including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes of excess surface water and show that these overland flows do not increase flood risk to any property on or off the development site. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The applicant has been informed of this.

6.9.3 Phosphates

The application is outside a phosphate sensitive area and therefore there is no potential for adverse effects to a designated SAC.

6.10 Planning Obligations

A financial contribution of £ 5916.00 towards affordable housing in the local area will be secured through a section 106 Legal Agreement.

6.11 Response to the Representations of Third Parties and/or Town Council

The Highway Authority has objected to the proposal on the grounds on the grounds that the level of off street parking proposed is not sufficient for the overall development. This issue has been discussed in detail in the main body of the report. Chepstow Town Council has recommended approval of the application but request two conditions.

1. That the proposed development is moved slightly away from the adjacent building to allow easier access for maintenance;
2. That the drainage plan is submitted.

A drainage scheme is being requested by condition. The proposed rear elevation of the new dwelling will abut the rear elevation of the shops on Rifleman's Way. There will be no issues of maintenance as there will be no gap between the two structures. Appropriate legal agreements will be a matter to be resolved between the applicant and the owners of the premises on Rifleman's Way.

6.12 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' well-being objectives set out in section 8 of the WBFG Act.

6.13 Conclusion

The site is located within the Chepstow Development Boundary in a very sustainable location. The principle of residential development is acceptable. The design of the new dwelling is acceptable and will enhance the character of this part of the Chepstow Conservation Area. MCC Heritage officers are satisfied that the amended design will not fail to preserve or enhance the character or appearance of the conservation area. The proposal is not considered to have an adverse impact on highway safety and parking provision is acceptable given the sustainable town centre location. The proposal accords with the objectives PPW Ed.11 in this regard. The development has an acceptable impact on residential amenity in accordance with LDP Policy EP1. The proposal accords with the objectives of PPW Ed.11 and the policies of the LDP.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A financial contribution of £ 5916.00 towards affordable housing in the local area.

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

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: To ensure the development is carried out in accordance with the approved drawings, 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 and to ensure compliance

with LDP Policy DES1.

4 Details of the proposed windows and doors to a minimum scale of 1:10 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

REASON: To safeguard the character and appearance of the listed building.

5 The development shall be carried out in strict accordance with Section 6 "11 Bank Street, Chepstow - Preliminary Ecological Appraisal and Bat Roost Appraisal dated July 2020"

Reason: To ensure adequate safeguards for habitats / species of principle importance for conservation and to ensure compliance with LDP policy NE1

6 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird nesting and pollinator provision as provided in the approved "11 Bank Street, Chepstow - Preliminary Ecological Appraisal and Bat Roost Appraisal dated July 2020" identifying location, positioning and specification shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for the future management and an implementation timetable. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

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.

8 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include 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 and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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.

INFORMATIVES

1 NESTING BIRDS - 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.

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

Hedgehog- Please note that the hedgehog is protected under schedule 6 of the Wildlife and Countryside Act 1981 (as amended). This makes it illegal to kill or capture wild hedgehogs, with certain methods listed. They are also listed under the Wild Mammals Protection Act (1996), which prohibits cruel treatment of hedgehogs.

The Hedgehog is a Priority Species under Section 7 of the Environment (Wales) Act 2016 identified as being of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The hedgehog has also recently been listed on the IUCN red list as vulnerable (2020).

A detailed report on the archaeological works required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the

archaeological fieldwork

The archaeological work must be undertaken to the appropriate Standard and Guidance set by the Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCIfA Member

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Application Number: DM/2020/01076

Proposal: Use of existing agricultural dutch barn for the storage of cars

Address: Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk

Applicant: Mr Arun Patel

Plans: Location Plan 278.P01 - , Block Plan 278.P02 - , Elevations - Existing 278.P03 - , All Drawings/Plans A16-010-001 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham
Date Valid: 07.08.2020

This application is presented to Planning Committee at the request of Llangybi Fawr Community Council

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a group of agricultural buildings, a farm house and converted barns located near to the village of Llangybi.

1.2 Proposal Description

This is a retrospective application to use an existing dutch barn for the storage of cars. The barn is agricultural in character being finished with a curved corrugated metal roof and concrete panel walls with Yorkshire boarding above. The floor area of the barn is approximately 264 sq.m.

The barn is located to the south-west corner of the site, some 19m away from the nearest property known as Barn 3 which is currently undergoing works for conversion to a residential dwelling for the same applicant.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00675	1. External wall finish to be traditional lime render finish. 2. Addition of window to bedroom 4 at first floor. 3. Removal of oak post to study area. 4. Change window/door finish from painted wood to natural wood.	Application Returned	25.04.2018
DM/2020/00072	Proposed conversion of cattle shed to form 2no 3 bedroom holiday rental units.	Withdrawn	29.01.2021

DM/2020/00074	Conversion of 3no storage containers to form two bedroom holiday accommodation.	Withdrawn	16.10.2020
DM/2020/01077	Static caravan for use as temporary residential accommodation (1 year) while barn conversion under construction at Clawdd y Parc Farm.	Pending Consideration	
DC/2009/00783	Proposed extension to farmhouse and residential conversion of 4 barns	Approved	30.04.2010
DC/2015/00764	Revisions to existing approved scheme for barn conversion to domestic accommodation	Approved	29.06.2017
DC/2012/00062	Change of use of existing agricultural building to form stabling for up to 30 horses with the additional formation of an exercise arena for equestrian purposes	Approved	28.06.2012
DC/2017/00485	Amendments agreed with Enforcement - retaining wall to rear terrace.	Approved	28.04.2017
DC/2017/00095	Agricultural stock housing shed.	Withdrawn	27.03.2017
DC/2017/01100	Non material amendment previous application DC/2017/00614 - change from coloured cladding walling to vertical timber boarding - Agricultural stock housing shed.	Approved	26.09.2017
DC/2011/00281	New Agricultural Building	Acceptable	21.04.2011
DC/2008/00828	Two storey and single storey extensions to farmhouse. Conversion of barns to 6 no. holiday lets. Addition of building to accommodate swimming pool. Conversion of barn to home office. Relocation of dutch barn. Re-clad storage shed.	Withdrawn	21.02.2013

DC/2011/00498	New garaging and stores	Withdrawn	20.08.2014
DC/2011/00899	New access road to supply the barns and ancillary buildings at Clawdd y Parc	Withdrawn	20.08.2014
DC/2015/00524	Retrospective application for conversion of barn approved under previous applications (revised scheme).	Refused	19.06.2015
DC/2017/00614	Agricultural stock housing shed.	Approved	18.07.2017
DC/2015/00703	Retrospective application for 2 no. agricultural general stock sheds.	Withdrawn	16.11.2016
DC/2017/01358	The change of stone finish to lime render finish to the external walls on the areas stated on the drawing A14-04306 as the stone is of a poor quality and cannot within reasonable means be pointed and the introduction of a small window to the rear elevation to provide light to the approved bedroom.	Refused	04.12.2017
DC/2016/01117	Timber framed garage in association with Farmhouse. Similar construction to existing garage at the site.	Approved	03.01.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving

decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llangybi Community Council - It was agreed that a strong objection should be submitted given the numerous retrospective applications and the apparent constant flouting of planning requirements in relation to this site. It was considered that there may be too fine a line between a classic car collection and classic car trading in the light of past experience at this site. It was also noted that comments submitted to Mon CC in support of this application, appear to come from individuals who have no connection with the local area. The activities at Clawdd-y-Parc continue to cause the Community Council and indeed many local residents, great concern.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Three objections received:

When the barn was refurbished three years ago it was built solely to store, trade or maintain cars. Nothing to do with its intended purpose for the storage of hay and straw or any form of agriculture. The structure of the building has been fully insulated with heating, wash room even double glazed sliding doors in the south side concealed in the Yorkshire boarding.

Obviously never intended as a 'manure store' as described on the plans.

Large transporter lorries are frequently seen negotiating the steep, narrow lane, delivering and collecting.

There is no justification for this change of use and it totally conflicts with planning policy as set out in the LDP.

It is wrong to even consider granting retrospective permission: the applicant clearly has no respect for the rules and this operation should be shut down immediately.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Principle of Development

The applicant has stated that they are an enthusiast, not a commercial trader. All the vehicles are the applicant's own and registered in their name. On this basis, the change of use of the building does not fall within any specific LDP policy but would be covered by general policies in relation to

design (DES1), amenity and environmental protection (EP1) as well as other detailed planning considerations which will be considered below.

6.1.2 Good Design/ Place making

The former open-sided dutch barn has been enclosed with concrete panels with Yorkshire boarding above to provide a water tight environment. The materials are considered to be in keeping with the rural character of the original building and its setting within an agricultural holding. The external changes are therefore considered to be acceptable in terms of the impact on the appearance of the surrounding area and meet the requirements of LDP Policy DES1.

6.1.3 Impact on Amenity/ Promoting Healthier Places

The barn is approximately 40m away from the nearest neighbouring occupiers. Neighbours have reported large car transporters visiting the site and lots of vehicle movements. This may be necessary at times but is not considered likely to be a frequent occurrence based on the applicant's statement that the cars are a private collection and it is not a commercial operation. A condition limiting the use of the building to ancillary domestic use has been suggested, should Member be minded to approve the application. No more than 15 vehicles are currently kept in the building and this can also be conditioned should Members be minded to approve the application. On this basis, it is unlikely that the use of the barn to store cars will have a significantly adverse impact on any neighbouring occupiers and the application meets the requirements of LDP Policy EP1.

Should the use become commercial then further planning consent would be required.

6.2 Highways

6.2.1 Access / Highway Safety

No changes to the existing access or parking arrangements are proposed as part of this application.

6.3 Distinctive & Natural Places

6.3.7 Water (including foul drainage / SuDS), Air, Soundscape & Light

The site is outside the Phosphate Sensitive Catchment Area of the Rivers Usk and Wye SACs. Therefore no further information or action in relation to drainage is required. There will be no changes to existing foul or surface water drainage as a result of this development.

6.4 Response to the Representations of Third Parties and/or Community Council

6.4.1 The refurbishment of the dutch barn undertaken three years ago would not have required planning permission as it would be viewed as repair/maintenance works. The change of use from agriculture however would - hence this current application. The fact that this is a retrospective application is not a material planning consideration.

6.5 Well-Being of Future Generations (Wales) Act 2015

6.5.1 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' well-being objectives set out in section 8 of the WBFG Act.

6.6 Conclusion

6.6.1 The proposed use of the existing building to store cars for private use will not adversely affect local residential amenity or the character or appearance of the site or surrounding area.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2 No more than 15 vehicles shall be stored within the barn at any time and the building shall be used for private domestic use only.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

Application Number: DM/2020/01077

Proposal: Static caravan for use as temporary residential accommodation (one year) while barn conversion is under construction at Clawdd y Parc Farm

Address: Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk

Applicant: Mr Arun Patel

Plans: Location Plan 277.P01 - , Block Plan 277.P02 - , Elevations - Existing 277.P10 - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham

Date Valid: 07.08.2020

This application is presented to Planning Committee due to there being five or more objections and at the request of Llangybi Fawr Community Council

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to a group of agricultural buildings, a farm house and converted barns located near to the village of Llangybi.

1.2 Proposal Description

This is a retrospective application for the retention of a static caravan and associated decked area on the site until building works converting Barn 3 to residential accommodation have been completed. This is predicted to be by March 2022. The caravan requires consent as it is outside the curtilage of Barn 3, approximately 56 metres from the building itself.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00675	1. External wall finish to be traditional lime render finish. 2. Addition of window to bedroom 4 at first floor. 3. Removal of oak post to study area. 4. Change window/door finish from painted wood to natural wood.	Application Returned	25.04.2018
DM/2020/00072	Proposed conversion of cattle shed to form 2no 3 bedroom holiday rental units.	Withdrawn	29.01.2021

DM/2020/00074	Conversion of 3no storage containers to form two bedroom holiday accommodation.	Withdrawn	16.10.2020
DM/2020/01076	Use of existing agricultural dutch barn for the storage of cars.	Pending Determination	
DC/2009/00783	Proposed extension to farmhouse and residential conversion of 4 barns	Approved	30.04.2010
DC/2015/00764	Revisions to existing approved scheme for barn conversion to domestic accommodation	Approved	29.06.2017
DC/2012/00062	Change of use of existing agricultural building to form stabling for up to 30 horses with the additional formation of an exercise arena for equestrian purposes	Approved	28.06.2012
DC/2017/00485	Amendments agreed with Enforcement - retaining wall to rear terrace.	Approved	28.04.2017
DC/2017/00095	Agricultural stock housing shed.	Withdrawn	27.03.2017
DC/2017/01100	Non material amendment previous application DC/2017/00614 - change from coloured cladding walling to vertical timber boarding - Agricultural stock housing shed.	Approved	26.09.2017
DC/2011/00281	New Agricultural Building	Acceptable	21.04.2011
DC/2008/00828	Two storey and single storey extensions to farmhouse. Conversion of barns to 6 no. holiday lets. Addition of building to accommodate swimming pool. Conversion of barn to home office. Relocation of dutch barn. Re-clad storage shed.	Withdrawn	21.02.2013

DC/2011/00498	New garaging and stores	Withdrawn	20.08.2014
DC/2011/00899	New access road to supply the barns and ancillary buildings at Clawdd y Parc	Withdrawn	20.08.2014
DC/2015/00524	Retrospective application for conversion of barn approved under previous applications (revised scheme).	Refused	19.06.2015
DC/2017/00614	Agricultural stock housing shed.	Approved	18.07.2017
DC/2015/00703	Retrospective application for 2 no. agricultural general stock sheds.	Withdrawn	16.11.2016
DC/2017/01358	The change of stone finish to lime render finish to the external walls on the areas stated on the drawing A14-04306 as the stone is of a poor quality and cannot within reasonable means be pointed and the introduction of a small window to the rear elevation to provide light to the approved bedroom.	Refused	04.12.2017
DC/2016/01117	Timber framed garage in association with Farmhouse. Similar construction to existing garage at the site.	Approved	03.01.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving

decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llangybi Fawr Community Council - The Council considered this application at yesterday's meeting, it was agreed that a strong objection should be submitted given the numerous retrospective applications and the apparent constant flouting of planning requirements in relation to this site. It was also noted that comments submitted to Mon CC in support of applications relating to this site, appear to come from individuals who have no connection with the local area. The activities at Clawdd y Parc continue to cause the Community Council and indeed many local residents, great concern. In relation to the caravan in particular, it is alleged that the caravan has been occupied since at least April 2019 and is therefore of little significance in relation to the barn conversion. Activities at Clawdd y Parc continue to cause the Community Council and a number of local residents, serious concern.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Five objections received:

The applicant installed the static caravan on 23rd April 2019. Currently, and for most of time since then it has been rented out to a gentleman who works at a hotel in Raglan, and has no connection with any barn conversion or other building works at the site.

It is entirely misleading to make this application under the guise of needing the caravan as somewhere to live while building of a main residence is completed: the applicant owns several houses including Bonnie Barn on the site which he chooses to rent out to holidaymakers the majority of the time.

It is wrong to allow a retrospective application 17 months after the caravan was installed, in clear breach of planning guidelines; its unauthorised use should be stopped immediately and the caravan removed from the site.

The building of barn 3 is nearing completion.

The caravan has been in situation for 22 months and never used as the application suggests.

The residents on Clawdd y Parc Farm are fed up with the flagrant disregard of the planning system.

All applications for planning should sign a declaration of truthful intent. Deviations from the truth should be liable to prosecution.

Very disappointed in the knowledge someone is prepared to give false information to deceive especially if permission is granted.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The siting of a static caravan for the duration of building works on the same site as where the works are being undertaken does not require the benefit of planning permission. However, in this case the caravan is sited some distance from the barn which is being worked on but within the same land ownership. As such planning permission is required. Neighbours have raised concerns that the person occupying the caravan does not have anything to do with the building works. However, the applicant has stated that the occupier will be Mr Marcos Morillas, who is the site foreman and project manager for the build. Work on the barn has been delayed by COVID but the applicant hopes to finish by spring of next year. As such a condition requiring the removal of the caravan by March 2022 is deemed appropriate should Members be minded to approve the application.

6.2 Impact on Residential Amenity

6.2.1 The continued use of the caravan for a temporary period will not have any impact on the residential amenity of any neighbouring occupiers and it is noted that no objections on this basis have been received from local residents. The caravan is sited approximately 64 metres away from the nearest neighbouring occupier. The caravan would be closer to neighbours had it been sited within the curtilage of Barn 3. As such, the proposal is considered to meet the requirements of LDP Policy EP1.

6.3 Access / Highway Safety

6.3.1 No changes to access or parking are proposed as part of this application.

6.4 Drainage

6.4.1 The site is located outside the Phosphate Sensitive Catchment areas of both the Rivers Usk and Wye and the associated SACs. As such no further information or action in relation to drainage is required.

6.5 Visual Impact

6.5.1 The caravan and decking is sited to the south-west corner of the site, approximately 48 metres away from the barn which is being converted. The location of the caravan is further away from neighbouring properties than if it were sited within the curtilage and has no more harmful impact on the appearance of the area than if it were sited adjacent to Barn 3. It should also be noted that this is recommended as a temporary consent and once works are completed the caravan will be removed and the land restored. As such there are no long term visual impacts. The application is therefore considered to meet the requirements of LDP Policy DES1.

6.6 Response to the Representations of Third Parties and/or Community Council

6.6.1 The fact that this is a retrospective application is not a material planning consideration. Reports that the caravan is being rented as a holiday let is a matter for enforcement but the applicant has offered information on how the occupier would be involved in the associated build.

6.7 Well-Being of Future Generations (Wales) Act 2015

6.7.1 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' well-being objectives set out in section 8 of the WBFG Act.

6.8 Conclusion

6.8.1 The use of the caravan for a temporary period while building works are being undertaken by the site project foreman is considered to be acceptable and will not harm the amenity of the local residents or have any long term impact on the character or appearance of the area.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2 The use hereby permitted shall cease and the caravan, decking and any other domestic paraphernalia shall be removed from the site on or before 31st March 2022 and shall not be brought back to site thereafter.

REASON: Planning permission is granted for a temporary period only having regard to the particular circumstances of the site.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

Application Number: DM/2020/01258

Proposal: Construct new detached storage building with offices and staff room

Address: Mounton Brook Lodge, A48 Chepstow Garden Centre To Pwllmeyric Hill, Pwllmeyric, Monmouthshire, NP16 6LF

Applicant: Mr Peter Hayes

Plans: All Existing Plans 001 - , All Proposed Plans 002 D - Rev D, Design and Access Statement Design, Access & Heritage Statement - , Floor Plans - Proposed Ground Floor - , Site Plan Proposed Site Plan - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 07.10.2020

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

1.0 APPLICATION DETAILS

1.1 Site Description

Mounton Brook Lodge is a grade II listed 17th Century former coaching inn, which has recently undergone an extensive renovation. Planning permission was granted in 2017 for the demolition of a rear extension and rebuilding to create a function room. Shortly after the building opened as a wedding/function venue. The main building is a large three-storey building which has coursed rubble stone walls, brickwork chimneys, timber windows and a traditional slate roof. Attached to the main building is the Old Forge stone C17th barn which was formerly a blacksmith's, and is now licensed to host civil ceremonies, partnerships and blessings for up to 100 guests. To the rear of the property is the recently built extension, which is used for dining and events. To the side of the main building is an enclosed service yard; within this stands a modern, metal storage container that has a footprint of 22 sq. m.

There is vehicular access from Mathern Lane and a large car park to the rear with parking for 26 cars. Mounton Brook Lodge is located within the Development Boundary of the village as identified in the LDP.

1.2 Value Added

Following detailed negotiations between the applicant, planning officers and heritage officers, the location of the storage building has been revised. The design and size of the proposal has been significantly amended so that the building now takes its lead from the Forge building that exists on the opposite side of the main building.

1.3 Proposal Description

The application seeks the erection of a building in place of the storage container which will provide storage and office provision over two floors to be used in association with the public house/wedding venue. The storage and office is needed in association with the existing business which is being run from the site. The building which has been designed to reflect the Forge building on the site would be 10m long with a low eaves height of 3.5m and a ridge height of 6.6m. The storage building would be finished in vertical timber cladding with pantiles on the roof. The windows and door would be of painted timber to match those on the Forge building. It is the side elevation of the building that would

face onto the road. The side elevations both contain one window each, the rear elevation is blank and the front elevation which faces towards the listed building contains timber doors and three roof lights.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2020/01258	Construct new detached storage building with offices and staff room	Pending Determination	
DC/2010/00518	Retention of field gate	Approved	23.08.2010
DC/2010/00589	New fascia, freestanding and hanging signage for public house (externally illuminated)	Approved	12.10.2010
DC/2010/00709	New Pub Sign.	Approved	06.10.2010
DC/2017/00303	Demolition of existing modern single storey rear extension, erection of a single storey rear extension to provide reception/function room. Minor internal alterations. Change of use from public house to wedding/function venue for private and community bookings.	Approved	06.07.2017
DC/2017/00302	Demolition of existing modern single storey rear extension erection of a single storey rear extension to provide reception/function room. Minor internal alterations. Change of use from public house to wedding/function venue for private and community bookings.	Approved	06.07.2017
DC/2010/00476	Proposed replacement of the first floor window on the northeast facing gable and the introduction of handrails to the front entrance.	Approved	04.08.2010
DC/2017/01456	Discharge of conditions 4, 7, 8, 9, 10 & 11 of listed building consent DC/2017/00303.	Approved	02.02.2018
DC/2017/01457	Discharge of conditions 4, 5 & 6 of planning permission DC/2017/00302.	Approved	07.11.2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 LDP Enterprise and Economy
S17 LDP Place Making and Design
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations

Supplementary Planning Guidance

Monmouthshire Parking Standards (January 2013)
<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

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A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Mathern Community Council - Recommends refusal.

The principle concern of this Council to the original planning application relating to this building and site was the extent of car parking provision. At peak times of use, cars are parked on adjacent roads and pavements.

The owners have on occasions used the adjacent field for parking to mitigate any issues but this cannot be seen as a permanent solution as it is an agricultural field

The storage containers on site were installed when the development of the building took place and were considered temporary stores, we believe they do not have consent to be in place permanently. They detract from the aesthetics and setting of the existing listed building when viewed from the road.

Although the Council does support businesses in our area, we believe that the proposal would represent an overdevelopment of the site.

MCC Highways - No objection.

Mounton Brook Lodge currently operates as a wedding venue and the applicant has indicated that the proposed building is to be located to the north-west of the existing building on land that from the plans submitted in support of the application does not form part of the existing parking area.

The highway authority offers no objection to the proposal on the basis that the proposal does not result in the loss of any available on site parking and that the vehicle movements and parking associated with the proposed storage building can be accommodated within the existing parking area.

MCC Heritage

The application has been modified in scale, position and materials to accommodate original concerns from Heritage Officers. The redesigned and positioned building is not considered to have a significantly detrimental effect on the setting of the listed building and aims to assimilate better into the context appearing as an ancillary building to the listed building maintaining an important hierarchy and ensuring that the listed building maintains its dominance in the street scene.

MCC GI and Landscape

From a visual perspective set within the street, site and settlement context the development proposal as submitted does not appear to integrate well with the main building, street setting or complement other ancillary buildings associated with the main building.

MCC Environmental Health - No objection

Given the potential for noise disturbance I would recommend that a condition limiting the hours of operation of the facility for use by staff and visitors/performers was imposed to safeguard the aural amenity. EH queried the hours of operation to ensure compliance with the rest of the venue.

5.2 Neighbour Notification

None received

5.3 Local Member Representations

In relation to the above application I am requesting for this application to be referred to the planning committee for their consideration on relevant planning policies both local and national and highways/ parking concerns, hours of operation, ancillary use, its location next but one to the Brook, there is also a field at the back known to become water logged/ flood.

The application is to construct a new detached storage building intended to be used for storage/ office/ staff room/ shower room for B1 business use but has the external appearance on the plans of a detached dwelling. A number of queries may be raised about its use and a potential dual use as a detached building and how this operates in the context of the rest of the site.

The Design & Access statement states that, "The proposal is to replace the existing 22sq m unsightly storage container, with a new detached building measuring 58 sq. m of ground floor area." (referred to as 61.5sqm in the application).

No details are provided of the type of storage or stored materials either external or internal and where the external storage bins/ container will now be located or the size of parking spaces/ additional parking spaces for this detached building with a B1 application, in an area known to be an accident hotspot, where overflow parking may cause highway concerns elsewhere.

Please note all representations can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?!lang=EN>

6.0 EVALUATION

6.1 Principle of Development

Mounton Brook Lodge was previously a public house and was granted planning permission to be used as a wedding venue in 2017. The use as a wedding venue is established and the property is currently used for that purpose. The current application seeks the erection of a storage building within the service area of the site. The new building would replace a metal container which is currently being used for storage. The building would be used for the storage of tables, chairs, props, floral arches, sweet carts etc. There is insufficient storage capacity at present within the metal container and many of the props have to be stored outside. The building will also offer a staff room and office enabling the staff to sit down when off duty. The business is hoping to take on new staff once the Covid crisis is over. At present any band members and other entertainers have to change in the toilets so this building would provide them with changing facilities/ dressing room. The business is already established and Policy S8 of the LDP supports proposals that seek to deliver the Council's vision for sustainable economic growth. The wedding venue business also attracts tourists into the area which is another sector that the Council is keen to support. This proposal will allow a local business to expand and ultimately employ more local people. This proposal accords with the Council's vision for economic growth. The principle of a small storage building to support an existing business is acceptable in policy terms.

6.2 Sustainability

The Local Development Plan and PPW encourages sustainable development. This service area already exists, the proposal is to replace a metal container with a two storey building. The proposal is sustainable in that it utilises brownfield land rather than expanding into a green field. The building materials will be locally sourced where possible.

6.2.1 Good Design

The application seeks a two storey building, which, following modifications, is of a scale and mass that is considered to be acceptable as it will be located between the three storey listed building on the site and a substantial residential property to the east. The building will be finished in materials that match the Forge building on the site. The proposed outbuilding will appear as a subservient element to the main listed coaching inn and is in keeping with the character of the local area. The building will be a visual improvement on the metal storage container that it replaces and this will enhance the setting of the listed building. The proposed building will be visually prominent when seen from the A48, it will have its narrow gable end facing the road. The new storage building will be at a slightly higher level than the road and set behind an existing stone wall. The building will contribute to a sense of place as it will provide a high quality outbuilding between two existing prominent structures. The building will contribute in a positive way to the street scene. The proposal therefore accords with the objectives of Policy DES1 of the LDP which seeks high quality sustainable design that respects the local character and historic environment.

6.2.2 Place Making

PPW 11 indicates that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. In this case the layout, form, scale and visual appearance of the development does engage with its surroundings. The design and scale of the proposed building is such that it will appear subservient to the host dwelling. It will contribute to a sense of place whilst the amount of development and its intensity is compatible with development in the adjacent area thus complying with one of the key objectives of PPW11.

6.3 Historic Environment

The proposed storage building will stand in the grounds of the grade II listed building and will affect its setting. Following the amended plans the concerns from Heritage officers have been taken into

account and the building amended to be re-orientated, re-designed and scaled down. The revised building sits far more comfortably alongside the existing buildings and context and is considered to preserve the setting of the listed building.

6.4 Biodiversity

There is a service yard to the side of the building which is bounded by a stone wall to the front and a close boarded fence to the rear. The yard is of hardstanding with no vegetation. A metal container will be removed from the site; there is therefore no loss of habitat or impact on bat roosts. Biodiversity enhancements can be requested by condition.

6.5 Impact on Amenity

There is only one residential property that is affected by this proposal and that is Beckstone House to the east of the site. The rear elevation of Beckstone House is approximately 6m from the common boundary behind a stone wall. The rear elevation of the storage building contains no windows or door openings and is only 3.5m high to the eaves and therefore the proposal will not result in any loss of privacy and will not result in a significant loss of outlook for the occupiers of Beckstone House. The proposal accords with the objectives of Policy EP1 of the LDP which requires that new development should have regard to the privacy, amenity and health of the occupiers of neighbouring properties

6.6 Highways

6.6.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. This application seeks the erection of a storage building for the existing business being run from the site and as such it does not impact on sustainable transport.

6.6.2 Access / Highway Safety

The access into the site will not be altered and the proposal will not result in an increase in traffic generation.

6.6.3 Parking

At present there are 26 parking spaces in the car park to the rear. The proposed building will be located partly within an established storage yard at the side of the building. The new building will result in the loss of 4 car parking spaces but 4 new staff parking spaces will be adjacent to the proposed building. In addition to this 4 new off road car parking spaces will be provided at the front of the building. The proposed site plan indicated that following implementation of the proposed building works there will be a total of 32 parking spaces within the site. The applicants maintain that they can cater for a maximum of 100 guests at any one time and that car parking has not been an issue for them to date. With a wedding venue many guests tend to car share to arrive and depart by taxi. The Highway Authority have no objection to the proposal on the basis that it will not result in the loss of any available on site parking and that the vehicle movements and parking associated with the proposed storage building can be accommodated within the existing parking area. The application accords with the objectives of Policy MV1 of the LDP with regards to access and parking.

The applicants are aware of the concern from the local member with regards to parking and have included the following statement with their submission.

"We would just like to reassure you that with all the past weddings and parties held with us over the last 3 years, parking has never been a problem. In fact, the majority of the time we have plenty of spaces still vacant in the car park when we hold a wedding, this is due to guests car sharing or not wanting to drink and drive so they arrange other means of transport, i.e. mini buses, taxi's etc.

90% of our business are wedding ceremonies followed by the reception. The only time we have had issues with the parking is when a large daytime wake/funeral has been held at the venue. The reason being is that guests tend not to drink alcohol during the daytime and tend to only stay for an hour or two, meaning more vehicles are parked up for guests to drive home after having a cup of tea or two. In the past, we have encountered only twice where guests have needed to find additional parking elsewhere. These events were for two wakes taking place and at the time were rather large, we had not been anticipating the number of guests/cars that had attended.

For us not to come across this issue again, we have since resolved the car parking matter over 20 months ago. By hiring a large field next door to us so that the occasional time needed, overflow cars can be parked in there. We have a long-term contract for the hire of this field which is also used for our clients to go into for their group photos.

I would also like to add, that by building the new structure requested, we will be taking up four spaces, but we have resolved this by adding an additional four spaces adjacent to the new build, this will be for staff parking, please see spaces marked in red.

We have also taken away the large 2m x 1m rectangle old wooden planters (x 2) that were rotten and were situated at the front of the original building, we can now adequately and safely fit at least four vehicles at the front.

Also to take into account that a few years ago, the same time as we applied for planning for the large extension at the back of the original building, we also applied for a big wall to be removed at the side of the Old Forge barn, this wall created a 3m border for flowers and we felt was a lot of wasted space. This has since been removed and we have a little pretty 30cm border with plants in, this also can fit at least 2 more parking spaces here, but we have reserved it for one disabled space, again please see on what's marked as the larger plan.

To summarise, four parking spaces will be taken up to build this new structure that we wish to create, but four spaces will be created alongside the new build so this will make no difference to the amount of parking we already have. We have also create an additional 5 spaces that wasn't counted previously at the side and front of the building."

6.7 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15.

6.8 Drainage

6.8.1 Foul Drainage

Foul water from the proposed building will discharge into mains drains.

6.8.2 Surface Water Drainage

A surface water drainage system will be required this can be secured by condition, the system will need to manage surface water to comply with National Standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to an including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes if there is excess surface water system and show that these overland flows do not increase flood risk to any property on or off the development site. The total construction area is below 100sq.m and therefore SAB approval will not be required prior to any works commencing on site.

6.8.3 Phosphates

The application is outside the River Wye and Monnow SAC catchments in relation to phosphates and so there is no impact on the protected SAC's within the County.

6.9 Response to the Representations of Third Parties and/or Community Council

Councillor Brown has raised a number of issues, most of which have been addressed in the main body of the report. The operating hours for the storage building will be the same as for the main venue and the building will be ancillary to the existing business run from the site. None of the site to

which this application relates is in a designated flood zone identified in the DAM maps of TAN 15. The C2 Flood zone is on the eastern side of Beckstone House approximately 28m from the siting of the proposed building. The amount of parking provision within the site is being increased and there are no objections from the Highway Authority or from Heritage Officers.

6.10 Well-Being of Future Generations (Wales) Act 2015

6.10.1 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' well-being objectives set out in section 8 of the WBFG Act.

6.11 Conclusion

The proposal accords with the objectives of Policy S8 of the LDP which supports proposals that assist economic growth within the County. The new building will replace a metal container which is currently being used for storage. The building would be used for the storage of tables, chairs, props, floral arches, sweet carts etc. There is insufficient storage capacity at present within the metal container and many of the props have to be stored outside. The building will also offer a staff room and office facilities enabling the staff to relax when off duty and to give the performers somewhere to change. The principle of a storage building of modest scale to support an existing business is acceptable in policy terms. The design of the building is acceptable in this location, it enhances the setting of the listed building and accords with the objectives of Policy DES1. There will be no loss of parking provision within the site, the Highway Authority offers no objection. The proposal will not impact on residential amenity and accords with the objectives of LDP Policy EP1.

7.0 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: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird nesting and pollinator provision as provided in the approved "11 Bank Street, Chepstow - Preliminary Ecological Appraisal and Bat Roost Appraisal dated July 2020" identifying location, positioning and specification shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for the future management and an implementation timetable. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP Policy NE1

4 The premises shall not be used for the approved purposes outside the following times:

10:00 and 00:30 Monday to Saturday and 11:00 to 00:00 on Sundays.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

5 A representative sample of the proposed timber cladding and roof tiles shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

REASON: To safeguard the character and appearance of the listed building.

6 No development shall begin on site until the LPA has approved in writing the surface water drainage system. The system will need to manage surface water to comply with National Standards and legislation. The rate of discharge will need to be reduced to the greenfield run off rates with a surface water system storing and controlling flood water up to an including the 100 year + 30% climate change event. The applicant will also need to identify any overland flow routes if the surface water system exceeds and show that these overland flows do not increase flood risk to any property on or off the development site. The development shall be carried out in accordance with the approved drainage details.

REASON: To ensure adequate protection and mitigation measures are included as part of the proposal to prevent additional surface water run-off which would could lead to increased risk of flooding as required by Policy SD3.

7 Prior to the beneficial use of the proposed storage the existing container shall be completely removed from the site and must not be returned to the site.

REASON: To protect the existing visual amenities of the area and to ensure compliance with LDP Policies DES1 and EP1.

8 Prior to any building works commencing on site, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be undertaken and/or installed within three months of the building, hereby approved, being brought into use and in accordance with the approved details. Following the installation of the approved scheme, a report confirming adequate installation shall be submitted to the Local Planning Authority.

REASON: To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Environment (Wales) Act 2016. To comply with Section 6 of Planning Policy Wales (2021), Technical Advice Note 5 and policies S13 and NE1 of the adopted Monmouthshire Local Development Plan.

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/03/21

gan **J Burston, BSc MA MRTPI AIPROW**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/3/21

Appeal Decision

Site visit made on 02/03/21

by **J Burston, BSc MA MRTPI AIPROW**

an Inspector appointed by the Welsh Ministers

Date: 22nd March 2021

Appeal Ref: APP/E6840/A/20/3265156

Site address: Catry Cottage, Quarry Road, Star Hill, Devauden, NP16 6NU

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 Owain Berman against the decision of Monmouthshire County Council.
 - The application Ref: DM/2020/00734 dated 8 June 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the change of use from a holiday let property to a residential property C3 use class.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. An executed planning obligation under section 106 of the Town and Country Planning Act 1990, was submitted by the appellant. I have taken this into account in my decision.
3. In reaching my decision, I have also taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and a healthier Wales.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of potential future occupants.

Reasons

5. Catry Cottage is a modest stone-built property, accessed via a private drive. It is situated approximately 1km from the local facilities in Llanishen and located in the open countryside for planning purposes. The cottage has an extensive planning

history including planning permission¹ for the 'Proposed renovation and conversion of existing redundant building to provide holiday let accommodation'. This permission included an extension to provide a toilet/shower room.

6. Monmouthshire Local Development Plan (LDP) Policy H4 provides a criteria-based approach to the conversion/rehabilitation of buildings in the open countryside. Of particular relevance to this case is criteria F which establishes that *"the building is capable of providing adequate living space (and ancillary space such as garaging) 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"*.
7. This is further elaborated in the Council's Supplementary Planning Guidance: Rural Conversions to a Residential or Tourism Use (Policies H4 and T2), November 2017 (SPG:RC), which states *"in assessing a building's suitability for conversion a minimum standard of 50 sq.m will be adopted. Conversions of buildings below this size will not be approved. This 50 sq.m standard relates to the internal floor space (including storage space) and conversion of a property of this size will only be allowed on the basis of a one bedroomed property for two people."*²
8. It is not disputed between the parties that the dwelling, including the extension, is some 37.9 sqm in footprint. Therefore, well below the minimum standard as set out in the SPG:RC.
9. The Council's Supplementary Planning Guidance 'Affordable Housing', July 2019 (SPG:AH), brought to my attention by the appellant, indicates that an acceptable amount of living space can be achieved with floor areas below the stated Notional Floor space Areas (NFA) and can in fact depend on the shape of the accommodation. In this respect the appellant states that Catry Cottage *"provides adequate space for all the furniture that occupants can be expected to need, there is good circulation space and sleeping and living areas are separated with all being served by natural daylight."* Further, *"although the appeal proposal doesn't fall into the definition of 'affordable housing', if made available on the open market it would provide an affordable housing option and help to address the market short-fall in the local authority area."*
10. It is acknowledged that the proposal is currently used for holiday accommodation and it may be argued that as a result lower space standards could apply particularly as holiday users are often out exploring the area rather than inside the dwelling. However, the proposal is nevertheless use class C3 residential and consideration must be given to the suitability of the accommodation taking into account the living conditions of future occupiers. The provision of adequate internal space is an important part of ensuring a good standard of amenity for all future occupants and ensuring a 'healthier Wales'.
11. The living space would be very confined with the ground floor comprising an entrance lobby, toilet/shower room, an open plan kitchen/sitting room, and a staircase. The first-floor mezzanine is allocated as a bedroom. There appears to be little in the way of internal storage space. Furthermore, whilst I accept that the dwelling would have access to a large area of external amenity space, this would do little, particularly in the winter months, to offset the cramped internal conditions.

¹ Planning permission reference DC/2013/00417 refers.

² 3.17

12. I also acknowledge the 'furniture layout' provided by the appellant. Nevertheless, to my mind, this depicts the bare minimum, when in practice more furniture / domestic paraphernalia would be required to facilitate a permanent living space. Indeed, the amount of space needed not only depends on the number of people living there, but basic lifestyle needs such as having enough space to store possessions, to cook safely, work from home, entertain friends or to enable the installation of welfare aids and adaptations where these are required.
13. I also note that given that permitted development rights would be restricted, as confirmed in the LDP, any future occupiers would be unable to erect any outbuildings to enable garden equipment/furniture to be safely stored.
14. The provision of a small dwelling may add to the Council's housing supply, to a limited extent. However, I have little evidence to show a demand for such properties and no valuation before me to consider its affordability. In reaching this finding I accept that the appellant has provided a financial contribution towards off-site affordable housing.
15. I have also been referred to other developments, which are said to be similar by the appellant. Nevertheless, the circumstances are not directly comparable, particularly where they have been granted permission prior to the adoption of the SPG:RC. In any case each application and appeal must be determined on its own merits as I have done here.
16. I conclude on this main issue, that the appeal site is unsuitable for use as a C3 residential property as it would fail to provide adequate living conditions for future occupiers of the property. Accordingly, I consider that the proposal would be contrary to LDP Policy H4 (F) as set out above.

Planning Obligation

17. The obligation, dated 2 March 2021, provides for a financial contribution towards off-site affordable housings. Having regard to the evidence before me, it has been demonstrated that this contribution is necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. It accords with the tests set out in the Community Infrastructure Levy Regulations (as amended, 2019). Accordingly, I have taken them into account in my decision.

Conclusions

18. Although there are matters that weigh in favour of the development, there would, however, be negative impacts arising from the proposal. Thus, the scheme conflicts with the development plan when considered as a whole.
19. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Accordingly, for the reasons set out above, and taking into account all matters raised, I conclude that this appeal should be dismissed.

J Burston

INSPECTOR

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