

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 4 September 2023

Notice of meeting:

Planning Committee

Tuesday, 12th September, 2023 at 2.00 pm
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and
remote attendance

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 - 14
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2022/00473 - Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place. Pentecostal Church, Monnow Street, Monmouth, NP25 3EQ.	15 - 34
4.2.	Application DM/2022/01155 - Hybrid application comprising: 1) Full planning for the erection of a roadside facility comprising petrol filling station, 2no. drive through units and associated development; and 2) Outline application for storage and distribution / logistics or industrial / manufacturing floor space and associated development (B2/B8 use class). Land At Newhouse Farm Industrial Estate, Chepstow.	35 - 54
4.3.	Application DM/2023/00063 - Conversion of barn to dwelling and installation of sewage treatment plant. Proposed Barn Conversion, Gethley Road, Parkhouse, Trellech.	55 - 72
4.4.	Application DM/2023/00939 - Change of use from residential to mixed use - Residential/Childminder. 75 St Lawrence Park, Chepstow, NP16 6DQ.	73 - 78

5.

FOR INFORMATION - Appeals Received - 1st April to 30th June 2023.

79 - 80

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor Ben Callard	Llanfoist & Govilon;	Welsh Labour/Llafur Cymru
County Councillor John Crook	Magor East with Undy;	Welsh Labour/Llafur Cymru
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Ann Webb	St Arvans;	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.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

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 15: Development, flooding and coastal erosion (2021)
 - 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 by a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

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

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;

- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

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

Children and Families (Wales) Measure

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

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 or to attend the meeting in person and address the Planning Committee.**

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting.. 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 or in person at the Planning Committee meeting.

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. Speakers will also have the option to attend the meeting in person and address Planning Committee.

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

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. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting 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.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 1st August, 2023 at 2.00 pm**

PRESENT: County Councillor Phil Murphy (Chairman)
County Councillor Dale Rooke (Vice Chairman)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Jan Butler,
Ben Callard, John Crook, Tony Easson, Steven Garratt,
Meirion Howells, Su McConnel, Jayne McKenna, Maureen Powell,
Sue Riley, and Ann Webb

County Councillor S. Garratt joined the meeting during consideration of application DM/2022/00331. He took no part in the discussion or voting in respect of this application.

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Adam Foote	Senior Development Manager
Paul White	Specialist Environmental Health Officer
Mary Paske	Specialist Environmental Health Officer
Joanne Chase	Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

None received.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 4th July 2023 were confirmed and signed by the Chair.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 1st August, 2023 at 2.00 pm

3. **Application DM/2022/00815 - Installation of bio-mass boiler unit (990kW heat) and ancillary equipment, fuel (bio-mass) storage area, replacement of underground heating pipes, installation of 500mm. dia. flue pipe, together with cladding of previously open NE elevation of building with colour coated steel sheets to match existing. The installation is currently being undertaken and will be required solely to provide heat for the farm's poultry unit. The bio-mass boiler is to replace an existing LPG (fossil fuel) heating plant. Trostrey Court Farm Barns, Clytha Road, Trostrey Common, Gwehelog, Monmouthshire**

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to the conditions as amended in late correspondence, plus an additional condition 5 in relation to regular servicing of the boiler.

It was noted that the wording in condition 2 would be revised to just involve virgin wood as a fuel and to incorporate monitoring of the fuel type to ensure compliance with British Standards.

Llanarth Fawr Community Council had submitted a written statement in respect of this application which was read to the Committee by the Head of Planning, as follows:

'The Council is aware that a request has been made to defer consideration of this application because insufficient evidence is available to show concerns raised over a number of issues, particularly noise, have not been fully resolved. We support this request.

On the question of noise, no proper noise assessment (compliant with BS 4142:2014/A1 2019 Methods for Rating and Assessing Industrial and Commercial Sound) has been undertaken. We do not agree with the Case Officer and the Environmental Health (EH) Officer's short visit during office hours (i.e. not in the evening / night or weekend) could sensibly be said to comply with the BS standard. In any event, there has been no assessment at all of the noise impact during night-time and weekend operation (the plant will operate 24/7).

TAN 11 (Noise) at Annex B (revised 2015) notes: "The significance of sound of an industrial and / or commercial nature typically depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and also the context in which the sound occurs". Further, since background sound levels vary throughout a 24-hour period it will usually be necessary to assess the acceptability of sound levels for separate periods (e.g., day and night) chosen to suit the hours of operation of the proposed development. Similar considerations apply to developments that will emit significant noise at the weekend as well as during the week.

The Case Officer relies at para 6.3.6 on the Environmental Health (EH) Officer's daytime visit. They did not experience any significant noise, but without any detail on actual sound / tone levels emitted following the baffle cowl mitigation, or on background sound levels. The EH Officer suggests future noise complaints could be raised under statutory nuisance legislation. Planning Policy Wales (edition 11) states: "The planning

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 1st August, 2023 at 2.00 pm

system must protect amenity, and it is not acceptable to rely on statutory nuisance under the Environmental protection Act 1990 to do so.” This is because “Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary”.

We recommend that an assessment by means of BS 4142 is undertaken to protect the amenity of residents in Llancayo and Bettws Newydd, as well as those living opposite the site in Monkswood, who are additionally concerned by potential sound amplification in this valley location. A BS 4142 assessment could assess this risk.

If the Committee does consider this application: regarding proposed Condition 2: “The bio-mass boiler shall only use Virgin Wood or British Standard PAS111:2012 Grade A – Clean Recycled Waste Wood”. We recommend that this is strengthened by the addition of: “and the developer is required to provide regular data, available for inspection by the Local Planning Authority (LPA), on volume and source of wood chip”. This would ensure no contaminated waste wood chips are used in future, which could impact both on emissions and on the regulatory regime.’

Ms. L. Williams, representing objectors to the application, attended the meeting by invitation of the Chair and outlined the following points:

- There will be the release of carbon emissions with occasional plumes of smoke. There will also be noise emissions.
- The site has had a chequered planning history having been granted permission to store straw but instead used it to house a gasification plant and incinerator which was installed without planning permission. Residents had to go to court to force the Council to take enforcement action.
- Residents acknowledge that this application is not on the same scale but today’s proposal has already been installed and operating without planning permission. However, the applicant has made the necessary planning application, but residents wanted to see a correct and full assessment of potential impacts from this scheme on the amenity of local residents. Many residents belong to the local organisation called SWIPE.
- Welsh Government polices PPW 11 and TAN 11 support appropriate technical noise assessments and recommend that these should also cover night-time and weekend operations if the development operates 24/7, and it will.
- PPW 11 notes that lower levels of sound would be dealt with as statutory nuisance as this could be disruptive and impact on amenity.
- The applicant supplied a noise assessment but had acknowledged that this did not follow British Standards and was deemed inadequate by Environmental Health.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 1st August, 2023 at 2.00 pm

- Environmental Health's short daytime visit did not consider night or weekend impacts or the potential for noise amplification in the valley.
- Late correspondence indicates that another officer site visit has been undertaken at night with a slight hum being noticeable at the farm entrance. This would suggest that at night with little background noise that the boiler wasn't fully operational. The recent Planning Committee site visit had heard noise from the plant and the flue.
- Some sound mitigation has been undertaken which is welcome but given the 24/7 nature of the development a proper noise assessment must be undertaken that complies with British Standards and Welsh Government Planning Policies. It was considered to be unacceptable to risk a community's amenity and health without investigating the noise issue in full and should not proceed without consideration of night-time and weekend operation of the scheme and to rely on the short daytime and one night-time visit. Neither of the visits have resulted in recordings or data on actual and background sound levels being taken or retained for inspection.
- Residents consider that it is not safe for the application to be decided without a proper noise assessment.

Mr. S. Butler, applicant's agent, attended the meeting by invitation of the Chair and outlined the following points:

- The proposed boiler will operate using certified clean virgin wood fuels.
- The project is seeking to achieve four key aims:
 - To fully displace the use of fossil fuels for the heating of the Trostrey Farm poultry sheds.
 - To improve poultry health via the provision on lower humidity heating.
 - To decarbonise farming and food production operations at the farm in line with government policy.
 - To provide protection against fuel price volatility and supply risk.
- There is a commercial need to increase the sustainability of food and farming operations in Wales and the UK. The agricultural sector accounts for 15% of Wales's total carbon emissions and is obliged under the UK net zero emissions policies to reduce carbon emissions in line with 2040 and 2050 targets.
- Monmouthshire County Council has declared a climate emergency. It was considered that this project would directly prevent over 274 tonnes of fossil carbon emissions being released to the environment and will allow the farm to transition towards net zero.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 1st August, 2023 at 2.00 pm

- It is not considered that there are any adverse impacts arising from air quality, noise, transport, dust or landscape and visual effects from the proposed development.
- The impacts of the scheme have been assessed on all identified habitat sites within the proximity of the site and concludes that there will be no impacts on human health, environmental habitats, or any effects on the river Usk.
- Concerns raised by Natural Resources Wales (NRW) have been resolved.
- The impacts of the emissions from the bio-mass boiler would be no greater than the existing heating systems. There would be no adverse noise impacts and there would be no significant visual impacts.
- The bio-mass is a clean fuel and has been certified as not containing any harmful contaminants and is recognised by the UK Government and Ofgem as being a renewable fuel. The existing LPG fuels are not environmentally sustainable as LPG is a fossil fuel directly contributing to climate change.
- The proposed scheme is environmentally sustainable and required to be delivered under regional and national carbon energy policy. The proposed development does not pose a risk to the health of people living and working nearby or upon the surrounding environment.
- In planning terms, the sustainability benefits of the proposed development are a material consideration.
- The proposed development fully aligns with regional and national planning policies, carbon policy, the net zero ambitions of Wales and will ensure a sustainable future for the farming operations at Trostrey Farm.

In response, representatives from the Environmental Health Department informed the Committee:

- It is not a requirement for Environmental Health to ask for a BS 4142 assessment.
- This is a retrospective application so issues relating to noise can be assessed in situ.
- Based on the site visits the bio-mass boiler was not audible above background noises at the nearest receptor and is therefore classed as low impact.
- The applicant has installed a silencer to the stack which was where most of the noise was emitting from the site. Mitigations have already been established.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 1st August, 2023 at 2.00 pm

- Environmental Health supports the amended condition regarding the field stock and the burning of virgin wood only.

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

- A solar scheme would have been a cleaner option to support the heating and energy requirements at this site.
- Conditions are in place to require the maintenance of the boiler and flue. There is also a scheme to monitor and verify that it has been serviced properly. A permit is not required from NRW or from any other agency.
- Concern was expressed regarding the noise emissions at the site and it had been noted that Llanarth Fawr Community Council had asked for consideration of the application to be deferred until this matter had been rectified.
- There will be four lorry movements per week.
- The bio-mass boiler has been operational for four months.
- Background sound levels in the rural location are likely to be low.

It was proposed by County Councillor J. Butler and seconded by County Councillor M. Powell that application DM/2022/00815 be approved subject to the conditions outlined in the report and subject to the conditions as amended in late correspondence plus an additional condition 5 in relation to regular servicing of the boiler.

It was noted that the wording in condition 2 would be revised to just involve virgin wood as a fuel and to incorporate monitoring of the fuel type to ensure compliance with British Standards.

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

In favour of the proposal	-	11
Against the proposal	-	2
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2022/00815 be approved subject to the conditions outlined in the report and subject to the conditions as amended in late correspondence, plus an additional condition 5 in relation to regular servicing of the boiler.

It was noted that the wording in condition 2 would be revised to just involve virgin wood as a fuel and to incorporate monitoring of the fuel type to ensure compliance with British Standards.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 1st August, 2023 at 2.00 pm

4. Application DM/2022/00331 - Development of commercial units suitable for use classes B1, B2 and B8 plus associated external works. Land at Severn Bridge Industrial Estate, Pill Row, Caldicot

We considered the report of the application and late correspondence which was presented for refusal for the reason outlined in the report.

The applicant's representatives, Emily Armstrong and Neville Shaw, attended the meeting by invitation of the Chair and outlined the following points:

- The applicant owns 36 units totalling 257,000 sq. ft. at the Severn Bridge Industrial Estate. Currently, there is no available space.
- New lettings have recently been secured of over 37,000 sq. ft. bringing the estate to 100% occupancy.
- A further five tenants have been retained totalling 40,000 sq. ft.
- Enquiries have been received from new and existing businesses that wish to expand into this location and increase employment levels.
- This development is seen as a space for start-up businesses.
- The application is targeting a floor area of approximately 32,000 sq. ft.
- Current take up figures equates to six months of supply and it is anticipated that the development will be let within six months of completion.
- Over 100 jobs have been secured within the current site and it is anticipated that at least 60 jobs will be created once the buildings are operational.
- The applicant would like to engage with local supply chains throughout the development and to work with local employment agencies to provide jobs to local people throughout the construction phase.
- Following discussions with Natural Resources Wales (NRW) and the Local Planning Authority (LPA) it had been agreed that the applicant would take river flood modelling of the site in relation to the adjacent Nedern Brook with the purpose to determine whether the development of the site would have any off-site flooding impacts on adjacent land in extreme storm events. The modelling exercise proved to the satisfaction of all stakeholders that there would be no significant off-site flood related impacts even in extreme storm events and accounting for future climate change.
- In order to meet NRW criteria of no off-site flooding, the modelling exercise undertaken created a balance between limited raising of site levels in order to minimise on site flooding in extreme events and also avoiding any off-site flood impacts in such extreme events. The applicant considers that this balance has

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 1st August, 2023 at 2.00 pm

been achieved with this modelling exercise with flood depths over the site varying between 0.9 of a metre.

- NRW's review of the modelling exercise noted that flood depths in areas of the site in extreme events were in excess of the allowances that are provided as guidance in TAN 15. Although the model flood depths and extreme storm events are in excess of the maximum flood depths identified in TAN 15, it is within NRW's powers to treat TAN 15 as indicative and not mandatory.
- NRW currently elects to treat these flood depth allowances as a firm requirement which is why it has objected to this development.
- The NRW historic flooding database indicates that the site has not previously flooded. No recorded historic flood events have been identified in the modelled reach of the Nedern Brook.
- The site will remain dry in all but the most extreme conditions and is one of the last sites to flood in the local area.
- There will be no significant off-site flood related impacts from the development of the site.
- In terms of mitigation of on-site flooding in an extreme storm event, the NRW flood warning telephone service will provide 48 hours' notice of a flood event providing ample time for the evacuation of operatives from the site.
- There will be no increased flood risk off the site and the development fall in line with all the mandatory requirements of TAN 15.

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

- Support was expressed for the application subject to proper maintenance of the sluice gate and waterways which would mitigate the risk of flooding in this area.
- It was considered that the applicant had done everything to mitigate any flood risk to the premises and to manage the water produced on site and where it goes.
- The Head of Planning informed the Committee that the application has been presented to Planning Committee at his behest. This is an allocated site within the Local Development Plan and has been allocated for employment and commercial purposes. However, there is a flood consideration as outlined in the report.
- Some Members considered that a decision in respect of the application should be postponed to allow representatives from NRW to express their view on this matter.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 1st August, 2023 at 2.00 pm

The Senior Development Management Officer responded, as follows:

- NRW had raised no concerns regarding the Source Protection Zone on the basis that the site would be SuDs compliant.
- Litter and ongoing management of the site is outside of the application site, and we, as an authority, would not have control over this matter.
- This is an outline application. Therefore, active travel details are currently not fixed.
- The Flood Consequence Assessment (FCA) that had been submitted has not been able to satisfy NRW regarding the requirements of TAN 15. However, it has been demonstrated that there is no adverse impact off-site.
- NRW is a consultee and has provided comments accordingly and would not participate in Planning Committee meetings.
- The adjoining land is outside the application site so does not fall within the scope of this application.
- It is for the applicant to put in place any necessary measures to minimise flood risk. There would be no liability for the Local Authority in respect of this matter.
- The applicant informed the Committee that future maintenance of the drainage system is outlined in the Flood Consequence Assessment (FCA).

It was proposed by County Councillor D. Rooke and seconded by County Councillor M. Powell that application DM/2022/00331 be approved.

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

For approval	-	12
Against approval	-	1
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2022/00331 be approved and that the decision be referred to Natural Resources Wales (NRW). If NRW does not object to the decision, draft conditions would be presented to the Delegation Panel for approval.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 1st August, 2023 at 2.00 pm**

5. Application DM/2023/00797 - Change of use from C3 (dwelling) to sui generis (HMO - House in Multiple Occupation) for a maximum of 8 occupants. 2 Little Hervells Court, Chepstow, NP16 5FF

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

The local Member for Mount Pleasant addressed the Committee via Video recording and outlined the following points:

- This is a contentious application and is the fourth change of use application put forward by the applicant for neighbouring dwellings of houses of multiple occupancy (HMO) in an historic conservation area. The local Member and residents consider that this application is disproportionate.
- The Council does not have a policy or supplementary guidance on multiple HMOs due to the small numbers across Monmouthshire.
- HMOs are a model of tenure that is more akin to our inner-city areas, particularly with our universities.
- Whilst there is no Monmouthshire County Council guidance, there is Welsh Government guidance which sets out the trends and associated challenges of HMOs within Welsh local authorities.
- Problems associated with HMOs are damage to social cohesion with higher levels of transient residents and fewer long-term households and established families, reduction in the quality of the local environment and street scene, change of character in the area, increased pressure on parking and increases in anti-social behaviour. Antisocial behaviour has been a reality for neighbours living next to HMOs already in situ.
- Local residents have been affected by noise from existing HMOs and the police have had to be called on several occasions regarding antisocial behaviour.
- The guidance states that due to the nature of HMOs residents from vulnerable groups who are likely to be unrelated can find living in HMOs a more intensive experience than in single household uses. This may have an impact, not just on the residents in an HMO but on the wider neighbourhood and the likelihood of this increases with the high concentrations of such properties.
- Welsh Government continues to encourage local authorities to move away from HMOs to more self-contained accommodation.
- Strong objections to the application have been received from the Highways Department regarding highway safety, parking stress and the proliferation of HMOs in the vicinity. Parking stress already exists at this location.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 1st August, 2023 at 2.00 pm

- The local Member considers that the developer has disregard for residents living in Hardwick Hill Lane and in Steep Street by seeking a further application for an HMO.
- The local Member considers that the Planning Committee should consider refusal of the application as there are already three HMOs in this area and an additional HMO is not required as it was considered to be an unacceptable model for the Council.

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

- The HMO will be managed by Monmouthshire County Council.
- HMOs are much needed within the Authority, but measures need to be established to reduce the potential for antisocial behaviour.
- It was considered that Monmouthshire County Council should establish an HMO policy in line with current Welsh Government guidelines.
- Consideration should be given to the provision of bicycle parking facilities on the site.
- Concern was expressed regarding the density of HMOs in this area.
- The Head of Planning informed the Committee that an HMO policy could be investigated as part of the Replacement Local Development Plan (RLDP). However, in a Monmouthshire context, it was noted that generally, HMOs were not an issue. Local Authorities with larger urban conurbations tend to have an HMO policy as there is a greater need for them within these authorities.
- The Development Management Area Team Manager informed the Committee that only 33 people would occupy the four HMOs in this area if this application was approved. HMO guidance helps to deal with harm that is caused from high concentrations, e.g., universities, where buildings are occupied for term times and then unoccupied for holiday periods with local facilities no longer being accessed during this period.
- The applicant would be willing to submit details of proposed bicycle storage facilities on site supporting the modal shift towards using public transport.
- Monmouthshire County Council Housing Officers would manage this site. Similar sites managed by such officers are managed efficiently. It was noted that there is a family in need that has been identified to occupy this property.

It was proposed by County Councillor S. McConnel and seconded by County Councillor M. Powell that application DM/2023/00797 be approved subject to the conditions outlined in the report with an additional condition to ensure that a cycle storage area is provided prior to occupation.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 1st August, 2023 at 2.00 pm

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

In favour of the proposal	-	12
Against the proposal	-	2
Abstentions	-	2

The proposition was carried.

We resolved that application DM/2023/00797 be approved subject to the conditions outlined in the report with an additional condition to ensure that a cycle storage area is provided prior to occupation.

6. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

6.1. Appeal decision: Land North West of Holly Lodge, Five Lanes North, Caerwent.

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at land northwest of Holly Lodge, Five Lane North, Caerwent on 3rd May 2023.

We noted that the appeal had been dismissed.

6.2. Costs decisions: Land at High Mass Cottage, Five Lanes North, Five Lanes, Caerwent, Caldicot, & Land North West of Holly Lodge, Five Lane North, Caerwent.

We received the Planning Inspectorate report which related to costs decisions in respect of an appeal decision following a site visit that had been held on 3rd May 2023, as follows:

Application A - Costs application in relation to Appeal Ref: CAS-02144-F2P1C5.
Site address: Land at High Mass Cottage, Five Lanes North, Five Lanes, Caerwent, Caldicot.

Application B - Costs application in relation to Appeal Ref: CAS-02244-P5N1M3. Site address: Land NW of Holly Lodge, Five Lane North, Caerwent.

Decisions:

Application A – Ref: CAS-02144-F2P1C5 - The Enforcement Appeal:

The application for a full award of costs was allowed.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 1st August, 2023 at 2.00 pm**

Application B – Ref: CAS-02244-P5N1M3 - The Planning Appeal:

The application for an award of costs was refused.

The meeting ended at 4.04 pm.

This page is intentionally left blank

Application Number: DM/2022/00473

Proposal: Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place

Address: Pentecostal Church, Monnow Street, Monmouth, NP25 3EQ

Applicant: Mr Bailey

Plans: Existing site location plan – 020
Existing block plan -021
Existing site plan -022
Existing Chapel lower gf plan – 23
Existing Chapel gf plan -24
Existing Chapel roof plan -25
Existing NW & NE Chapel elevations -30
Existing SW &SW Chapel elevations -31
Existing garage floor plans and elevations – 32
Existing site NW&NE elevations – 33
Existing site SE&SW elevations -34
Existing Site sections A&B – 40

Proposed Block Plan – 120
Proposed Site Plan -121
Proposed GF plans mews – 122
Proposed FF&SF Plans mews – 123
Proposed roof plan mews -124
Proposed GF plan pair – 125 B
Proposed FF&SF plans pair – 126
Proposed NE elevation mews – 130
Proposed SE, NW & SW elevations mews -131
Proposed elevations pair -132
Proposed site sections A&B – 133
Proposed site sections C&D - 14

Drainage Report - ,
Ecology Report - ,
Heritage Impact Statement ,
Structural Report - ,
Transport Statement

RECOMMENDATION: REFUSE

Case Officer: Amy Longford
Date Valid: 25.03.2022

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

This application was considered at Planning Committee 4th July 2023 where the resolution was to approve the application subject to the conditions being confirmed by the Delegated Panel.

The conditions set out below were presented to the Council's Delegation Panel 10th August 2023.

1.0 APPLICATION DETAILS

1.1 Hebron Hall is located to the rear of Monnow Street towards the southern end of the street. The site is set back from the main shopping street and occupies a large plot with the existing chapel to the rear facing Blestium Street car park. The building is in the town centre, within the central shopping area, but set back from the primary shopping frontage. The site is within a flood zone, C1. The site is also in the Monmouth Conservation Area and so there is a concurrent application for Conservation Area Consent for the demolition of the chapel. The application proposes the demolition of the existing chapel and the redevelopment of the site to provide seven new dwellings, made up of a pair of semi-detached dwellings in the position of the chapel and a row of five mews houses to the rear of the site with parking and amenity space.

1.2 Value Added

There have only been small amendments to the plans since the initial submission, however a thorough investigation of the impacts of flooding has been considered.

1.3 Proposal Description

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00473	Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place	Pending Consideration	
DM/2022/00511	Proposal of 7 mews cottages to replace Hebron Hall, a disused Pentecostal chapel and community room positioned off Monnow Street in Monmouth. Proposed removal of an existing garage. Creation of a new public through route from Monnow Street to Howell's Place (Conservation Area Consent)	Pending Consideration	
DC/2017/00691	New Build retail (A1/A2/A3/B1) on the site of an existing garage comprising 62sqm	Approved	07.11.2017

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S12 LDP Efficient Resource Use and Flood Risk

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
CRF1 LDP Retention of Existing Community Facilities
RET1 LDP Primary Shopping Frontages
RET2 LDP Central Shopping Areas
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas
HE2 LDP Alterations to Unlisted Buildings in Conservation Areas
SD3 LDP Development and Flood Risk

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>

Renewable Energy and Energy Efficiency SPG March 2016:

<http://www.monmouthshire.gov.uk/renewable-energy-energy-efficiency-supplementary-planning-guidance>

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

Primary Shopping Frontages Supplementary Planning Guidance April 2016:

<http://www.monmouthshire.gov.uk/app/uploads/2016/05/Primary-Shopping-Frontages-SPG-April-2016-with-footer.pdf>

Monmouthshire Parking Standards (January 2013)

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

Conservation Area Appraisal

Monmouth Conservation Area Appraisal (March 2016):

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

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.

Technical Advice Notes

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010):

<http://gov.wales/docs/desh/policy/100722tan6en.pdf>

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):

<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

5.0 REPRESENTATIONS

5.1 Consultation Replies

Monmouth Town Council - recommends approval subject to conditions:

seeking electric charging points for each property

consideration of sustainable urban drainage

consideration of the potential impact of noise in relation to the air source heat pumps

consideration of the potential impact of phosphates and the SAC

further comments are made in relation to the loss of the building and the redevelopment potential, parking, access, green space, design and materials, drainage, noise and phosphates.

MCC Highways – Objection

The proposed new estate road access shown on drawing 224-121 is not considered to meet the criteria set out within the Welsh Government Common Standards for residential estate roads. The standards state that roads serving more than five properties shall be built to adoptable standards. In addition, the parking provision is integral, this is not considered to count to overall car parking provision and so overall provision falls short. Furthermore, there are concerns that the estate road is not sufficient in terms of width to allow ease of access in and out of the respective garages. Highways recommend refusal of the application based on the layout submitted.

Natural Resources Wales (NRW) – Object to the proposals.

The site is within a flood zone C1, where development in principle is acceptable subject to criteria and whether the effects of flooding can be properly managed. NRW's advice states that the Flood Consequence Assessment (FCA) and additional information submitted fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level. Therefore, given the depth of flooding at the site and the limited options for the applicant to acceptably mitigate the flood risk, we object to this application in its current form.

MCC Heritage – No Objection.

There is a concurrent Conservation Area Consent application for the demolition of the chapel building. As part of these applications a Heritage Impact Assessment has been carried out and finds that the chapel is a very simple example of its type and that it is not the only example of its type in the vicinity. The building also suffers from significant structural issues and is in a poor state of repair. The building, despite being identified as making a particularly positive contribution to the character of the conservation area, is suffering from neglect. The proposals to redevelop the site are considered to make a positive contribution to the character of the conservation area and so on

balance it is considered that the application meets the test of preserving the special character or appearance of the conservation area.

Environmental Health – Raises concern.

Request additional information to show how the development is going to achieve noise standards for the occupants. This should also include how the development will consider the impact of noise in relation to the proposed Air Source Heat Pumps (ASHP) on neighbouring properties.

Recommend that a site investigation/risk Assessment procedure to be undertaken by the developer. In the absence of this study conditions related to contaminated land are suggested. Further conditions in relation to a Construction Environmental Management Plan be submitted.

Glamorgan Gwent Archaeological Trust (GGAT) – No Objection

Given the extensive research and understanding of the locality it is likely that the development has the potential to encounter archaeologically significant remains during the work. Therefore, it is recommended that a condition is applied requiring a written scheme of investigation and building recording, (level 2) in relation to the existing building on site.

MCC Ecology No objection

Bat and Bird surveys have been carried out and confirmed low risk to the conservation status and mitigation proposals are acceptable. Conditions are suggested in relation to lighting and securing mitigation. Screening in relation to the impact of phosphates will need to be completed.

MCC Landscape/Urban Design – objection

Concerns over the SE terrace elevation which is not complementary to the setting, appears not to respond to the secondary active frontage or to architectural form and not consistent with the localised built form. The SW terrace has architectural form and texture, however the NE terrace elevation would benefit from further detail to reduce the expanse of brick in the form of timber cladding, render and brick detailing to corners, lintols and entrances.

Proposed shrub and tree planting is welcomed, opportunities are there for an additional street tree on the SE elevation. A planting schedule should be provided as well as a clear lighting strategy. Conditions are suggested.

Drainage

Lead Local Flooding Authority – Object

Flooding -The impact of flooding provides cause for concerns regarding these proposals and is not considered to be compliant with TAN15.

Surface Water Drainage – the application states that surface water is to be discharged to the public sewer, however we note DCWW objection to this. We request that the applicant obtains an indication from DCWW that they are happy with this approach. A Sustainable Urban Drainage system (SuDS) will be required and approved by SAB (SuDS Approving Body).

Welsh Water - no objection

DCWW consider that the development will overload the existing public sewerage system as no improvements are not due to be completed until October 2022. They advise that Monmouth WwTW does not have a phosphate permit. A subsequent re-consultation in August 2022 confirmed no objection in relation to capacity of the sewers. DCWW identified the position of the public sewer and required a no build zone around this. Should the application be approved a condition confirming no surface water shall connect to the mains is applied.

5.2 Neighbour Notification

None received

5.3 Other Representations

Some comments have been lodged against the concurrent Conservation Area Consent Application which are as follows:

In support – 2

This will bring a derelict site back into positive use which would benefit the area in a number of ways. This will improve the visual appearance of the area and will meet the needs of many young individuals and families in the area and provide some natural surveillance.

Some concerns over disruption during the build but the outcome will improve the overall facility of the area and is beneficial to the town.

Support for the redevelopment, however concerned that every effort should be made to seize the opportunity to provide a public thoroughfare, the space provided on the plans does not appear to create a safe and pleasant route for wheelchair users. Concerns over the space for parking and turning, suggesting parking would be better in the public car park.

Objection – 2

Concerns relate to over development of the site, the buildings are out of keeping with the two storey cottages or houses typical of the alleys along Monnow Street, the buildings should be reduced in height and number.

Concerns relate to a badly located and designed thoroughfare, whilst this is welcome in principle, the proposed route is tortuous and passes dangerously and immediately in front of the garage entrances. Priority should be given to people rather than cars.

That the existing building should be repaired and renovated, the proposals are not appropriate and don't respect the conservation area.

5.4 Local Member Representations

Cllr Catherine Fookes requested that the application be considered by the Planning Committee due to the scale of the proposals and the impact on the town centre.

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

PPW 11 paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The site is located within the Monmouth development boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. The plot is of sufficient size to accommodate seven residential dwellings. Policy S1 states the main focus for residential development will be within the Main Towns, which includes Monmouth. Policy H1 identifies the development boundaries within which residential development will be permitted subject to detailed planning considerations. Therefore, the principle of new residential development in this location is acceptable.

The development in line with Future Wales, The National Plan up to 20240, which promotes a 'town centre first' approach to development. P65 states 'The growth aspirations of Future Wales are an opportunity to regenerate our towns and cities and shape their extent, structure and density. Placemaking is at the heart of the planning system in Wales and this policy establishes a strategic placemaking approach and principles to support planning authorities to shape urban growth and regeneration'.

The proposed dwellings would provide much needed town centre accommodation and support the regeneration of Monmouth Town Centre. They accord with the aim to increase density in town centre locations supporting the long term economic health of evolving town centres. The proposals accord with the emerging Transforming Towns agenda for Monmouth aiming at delivering public realm and active travel improvements along Monnow Street. The building is in a poor state of repair and so would significantly benefit the town by providing a high quality housing-led development providing a key lateral link into Monnow Street.

The proposed development therefore accords with the key principles of Future Wales, PPW 11 and the Adopted Local Development Plan.

6.2 Sustainability

The Local Development Plan (LDP) and PPW encourage sustainable development and promote making the most efficient use of brownfield land. This is a sustainable location for a new residential development as it is located within an existing residential and town centre location, close to many facilities such as the playing fields and school provision for all years. Monmouth is served by a local bus service linking it to the other main towns and wider area including other modes of transport such as train stations. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

6.2.1 Good Design

The application proposes the demolition of the existing Hebron Hall and the rebuilding of a pair of three-storey dwellings at the western end of the site (on the position of the current chapel) and a terrace of three-storey mews dwellings positioned east to west into the rear of the site. They follow the grain of mews developments extending in a linear form as found in Howells Row, positioned very closely to the north of the site. Therefore, the layout is sympathetic and characteristic of the development pattern of the area. The scale of the buildings is three-storey, having a maximum height of 9m which is similar to that of the surrounding buildings. Those facing Monnow Street are approximately 9.5m to 13m high, those to the rear, generally have a lower scale of 7-7.5m. However, given the mix of building heights and scales the proposed terrace to the rear is not considered out of context or overly tall so as to have an adverse effect on the character of the area.

The dwellings have a contemporary design, with a repeated pitch and ridge roof to break down the overall mass and integrate the buildings into the surroundings of differing roof pitches and styles. This is a traditional style of roof construction but given a contemporary approach with the arched ridges and standing seam zinc roof covering. The walls are to be finished in a red brick with aluminium doors and windows, balconies are to be set within the building and not projecting maintaining a clean line and rhythm that emphasis the modern approach to a traditional mews terrace. The design and materials of the proposed buildings are considered to provide a positive architectural contribution to the character of the area in line with DES1. This is also considered to be an appropriate form of development within the Conservation Area in line with the requirements of LDP Policy HE1 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed development also promotes sustainable building and living criteria, with the inclusion of air source heat pumps, reduced energy and CO2 emissions through modern construction techniques and high performance materials and insulation, a waste strategy to deal with communal recycling and EV charging points. The development will also accord with SuDS and provide enhanced GI and ecological mitigation.

6.2.2 Place Making

The proposed development is of a contemporary approach to traditional backland mews terraces which is a traditional type of development in urban environments. The contemporary approach seeks to follow the scale and mass of existing buildings and respect the more linear development found in this part of the town. The approach taken is similar to that of other rear backland housing developments and helps to support a sense of place and distinctiveness for Monmouth. In addition the application proposes a public thoroughfare running through the site linking the rear parking areas directly to the main shopping street. This will also create additional provision for enhanced public realm improvements when viewed from Monnow Street.

Concerns have been raised by the Urban Design and Landscape Officer relating to the south-east elevation of the terrace, which is the gable end of the terrace facing outwards from the rear of the site. Suggestions have been made that this is out of context with the localised built form and that the elevation would benefit from cladding or other architectural detailing to reduce the expanse of brick. Whilst this is a tall and simple elevation, the elevation will not be read alone, this will be viewed

in context with the whole terrace and read as one architectural composition. Whilst some alterations could be made to this elevation the applicant was keen to retain the architectural vision of the design as existing.

It is considered that the buildings are of a form and scale that is appropriate within the historic town centre location and use materials and design approaches that are complementary but modern within the Conservation Area. The replacement buildings are considered to have a positive impact on the character of the Conservation Area in line with the criteria set out above and in LDP policies HE1 and DES1.

6.2.3 Green Infrastructure (GI) and Landscape

The application proposes the redevelopment of a brownfield site which currently makes very little contribution to the GI of the area. The Council's Urban Design and Landscape Officer has welcomed the proposed shrub and tree planting and identified opportunities for more street planting, particularly on the south-east elevation of the terrace. This is considered an enhancement over the current arrangement and is a welcome attempt to incorporate GI into an urban brownfield site. Conditions have been suggested for a planting schedule and a lighting strategy and would be considered appropriate. Landscape and Urban Design considerations have been addressed under para's 6.2.1 and 6.2.2 above.

6.3 Historic Environment

As stated, the site is within the Monmouth Conservation Area and therefore is considered against the criteria set out in Policy HE1. This states that all new development within the Conservation Area should:

- a) preserve or enhance the character or appearance of the area and its landscape setting,
- b) have no serious adverse effect on significant views into and out of the Conservation Area,
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape,
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- e) pay special attention to the setting of the building and its open areas.

In this instance the application is accompanied by an Application for Conservation Area Consent (CAC) for the demolition of the existing chapel on the site. The assessment of the CAC takes into consideration the contribution of the existing building, and the contribution that the proposed replacement building would have on the special character of the Conservation Area which has been considered by the Council's Heritage Officer. The Heritage Officer states that the existing building does make a contribution to the character of the conservation area, being a simple chapel set back from the main street. However, it is acknowledged that this is one of several chapels set back from the main street in Monmouth, and that this particular example is a very simple building being of limited architectural quality. In addition, the current condition of the building, being in a poor state of repair and having considerable structural issues, together with modern interventions and alterations, mean that its overall contribution has been compromised.

The consideration then falls to the replacement building, and as discussed in the above paragraphs relating to placemaking, the new buildings are considered to be appropriate to their setting and make a positive contribution to the sense of place.

The site is also in close proximity to a number of listed buildings; however these form the main street facing in a westerly direction onto Monnow Street. These buildings were mainly on former burgage plots extending back outwards from the line of the street. They are all of a similar later Georgian character with primary frontages and later extensions to the rear. They form a varied character of roof heights, pitches and styles. Given the scale and architectural style of the proposed dwellings, this is not considered to have an adverse impact on the setting of the surrounding listed buildings.

The site is also within an Archaeologically Sensitive Area and so Glamorgan Gwent Archaeological Trust have responded to the consultation stating that given the extensive research and understanding of the archaeology in the area it is known that the development could encounter archaeology and recommend conditions requiring a written scheme of investigation and a building recording of the chapel prior to demolition.

Therefore, the impact on the character of the Conservation Area, archaeology and surrounding listed buildings is considered to enhance the special character of the Conservation Area in line with LDP Policy HE1. The development is also considered to preserve the setting of the adjacent listed buildings, in accordance with s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.4 Biodiversity

The application has been supported by ecological surveys for bat and bird activity. These concluded that the site has a low risk conservation status given the condition of the building, the low level of vegetation on the site and its position in the urban environment. Therefore, the site is considered to have a low ecological value. The application proposes a mitigation strategy including the need for a licence obtained through NRW and compensatory roosting provision. There are more roosts provided than the number of bats found which would result in a net gain. In addition, a condition is suggested to manage external lighting.

Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. The application site is within the catchment of the River Usk Special Area of Conservation (SAC). On the 21 January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales.

As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a signification effect on the SAC.

In this case the site is within a Phosphorous Sensitive Area and the development does have the potential to have a harmful effect on the SAC. However, as part of the application a drainage statement has been provided. This shows that the current drainage from the site which includes the existing chapel and associated uses together with the drainage from the extant planning permission is more than the proposed flows resulting from the proposed seven dwellings. These have been considered as follows.

Existing flows

Chapel 917 Ltr per day

Extant PP 5950 Ltr per day

6567 Litres/day

Proposed flows

3360 Ltr per day

NRW have responded in relation to phosphates in their consultation response of 13 September 2022. They refer to the method of calculating flows of drainage and state that the consideration 'should be a planning judgement on what baseline figures should be used in the calculating pre and post development flows.' It is considered that the fall back position of implementing the previous permission DC/2017/00691 is acceptable. All conditions in relation to this permission have been

discharged and works commenced on site in the form of drainage which has been confirmed by Building Regulations. Therefore, the implementation of this permission could be carried out immediately. On this basis it is considered appropriate to use these calculations as part of the assessment of drainage.

Therefore, on the basis that the development would result in a reduction of discharge creating a betterment of flows from the site it is considered that the proposal would meet the screening criteria set out in Planning Advice (May 2021), and so the proposal is not likely to have a significant effect on the River Usk SAC.

6.5 Impact on Amenity

The development is in two main blocks, the replacement building on the site of the existing chapel and the rear mews terrace. In relation to the replacement building, this is set on a similar footprint as the existing chapel. The existing chapel building is positioned approximately 3m from the rear of the buildings along Monnow Street at its closest point. The replacement pair of dwellings will occupy a similar footprint, just set back by an additional 3m from the rear of 84-90 Monnow Street improving the situation over and above that of the existing building. The existing ridge height of the chapel is 11.7m and the proposed ridge height will be 9.7m, therefore again reducing any overbearing impact when considered against the current arrangement. The buildings along Monnow Street have varied ridge heights, the closest buildings being 12.2m and 9.5m, therefore the proposed 9.7m is within this context and would not appear to be incongruous or overbearing.

There are habitable rooms facing towards the rear of 84 and 90 Monnow Street, however the building at present is 3.2 and 2.7m from the rear of the 84 and 90 respectively at ground floor level increasing to 8.3m at first floor. As stated, the proposed replacement building will be set back from its original position to allow an appropriate pedestrian thoroughfare through the site. This means that the proposed building will be 11.5 and 11.1m away from the rear of 84 and 90 Monnow Street. The rear of 88-90 contains two flats to the upper floors, the rear of 84 is commercial and storage. It is considered that the intervening distances between the rear of 84 and the new dwellings is acceptable based on the commercial use of the building and that no unacceptable level of overlooking is created. To the rear of 88-90 the flats are 11m from the rear of the new dwelling. The habitable rooms to the immediate front of the proposed replacement dwellings will have obscure glazing from the kitchen, dining, bedroom and en-suite which will mitigate for the shorter than average distances. Given the town centre location, characterised by a densely built environment, there is already a higher than normal level of overlooking and therefore it is not considered that the proposals would present a harmful increase in overlooking to warrant refusal. On balance this aspect considered to be acceptable.

80 and 82 Monnow Street extend out to the rear of the plot with a rear outside seating area for the café (currently Coffi Lab). At first floor the rear extension is two storey and is currently 11.9m from the side of the chapel building given the existing side single storey extension. The proposed pair of dwellings will be located closer to the rear extension of 80/82 Monnow Street being 8.5m side to side of the buildings. There are habitable rooms with windows in the side elevation facing 80/82. These distances are less than normally required, but again, given the dense urban environment and current level of overlooking, this is considered to be acceptable. To provide some mitigation these windows should be obscured glazed, secured through a condition.

To the south-west, there is a large building which is in association with Earnest Heal and Sons; this is a tall single-storey building that is in commercial use. The existing chapel is currently 12m from the side elevation of this building, the proposed dwellings will be 13m away from this building and as discussed of a lower scale and mass and therefore this is considered to have a beneficial impact on the adjacent buildings compared to the existing situation. The proposed terrace would be 8m away from the corner of this building. Given this is a commercial use with few windows to the north-east elevation, it is not considered that the proposed terrace would have an adverse overlooking impact on this commercial building.

The proposed terrace will have a ridge height of 9.2m; this is comparable to the adjacent nursery building which also has a ridge height of 9.2m. To the north-east of the site, the terrace will face the

front elevation of Howells Place. There is a separation distance of 24m between the two properties which is compliant with the SPG that requires 21m from principal habitable rooms. There is a large two-storey building set to the rear of the adjacent site used as a day nursery. This building will be 9m from the front elevation of the end of the terrace. The nursery is 9.2m high, this will be the same as the proposed terrace. The terrace will be in close proximity to the existing nursery however, the character of the area is of a rear backland development which is of varying heights and scale. The existing Howells Row is 6m from the side of the nursery which extends the whole length of the nursery building. The proposed terrace will be 9m from the side elevation of the Nursery but only in part. This helps to maintain some open space between the two, limiting the overbearing impact. Given the built-up, urban nature of the site and the existing uses, it is not considered to have an overbearing or overlooking impact on the commercial property.

Further to the south-west, there are smaller former garages, one converted into a retail space (The Computer Centre). All of these buildings are low scale and commercial in nature. The Computer Centre is adjacent to the rear of the site and will be situated adjacent to the south-western end of the terrace immediately adjacent to the visitor parking. The proposed terrace will be substantially taller than the former garage, but the same height at the nursery close by. The garage immediately adjacent, currently used for storage, will be demolished to provide a parking area, it is the outer garage that is converted as a commercial unit. It is therefore not considered to have an overbearing impact on these properties given their current use. Further to the south-west is another single-storey storage building (10m away) and the two-storey building of Castle Gate Medical Centre (23m away), and then the three-storey building of Waitrose (37m away). It is considered that these buildings are far enough away for the proposed terrace not to have any harmful impact.

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. In this case the site is located within the town centre of Monmouth, where there is a comprehensive range of retail and service facilities including schools. The site is in a highly sustainable location so that the occupiers of these dwellings will be less reliant on the car to go about their daily business.

6.6.2 Access / Highway Safety

The Highways Officer has raised concerns that as the development features more than five units the private shared drive is the primary means of access and should be brought up to adoptable standards. The applicant does not wish this access to be adopted and maintained as a public highway. The highway standards seek a minimum of 4.5m for an access within the site. This has been achieved and the access is proposed to be increased to 5.2m reducing to the desired 4.5m within the site allowing two cars to pass side by side. A turning area is provided in front of plots 6 and 7 to allow cars and delivery vehicles to enter and exit in a forward gear. It is acknowledged that the site contains more than five dwellings but given this is a town centre location the parking area is more of a parking courtyard rather than an access road. Refuse vehicles will not be entering the site, collections will be made kerbside at the rear entrance to the site and not within it; a dedicated store is to be provided adjacent to the visitor parking at the rear entrance to the site. Thus, it is considered that on this occasion the highway access provision is safe and would not have a harmful effect on the highway network. On balance, the proposal is considered acceptable having regards to access and accords with Policy MV1 of the LDP.

6.6.3 Parking

The adopted Monmouthshire Parking standards require one car parking space per bedroom up to a maximum of three per unit which would equate to 14 spaces. In this instance there are seven two bed units, each unit has a single garage for one parking space and three visitor parking spaces are provided to the rear of the site. The parking standards do not consider integral garages to count towards parking provision. PPW Ed.11 places great emphasis on ensuring that new development can be adequately serviced by public transport to encourage modal shift to more sustainable forms of transport. Future Wales (FW) promotes lower levels of car parking and advocates a shift from car-led developments. Given that Monmouth is a sustainable location in terms of public transport provision with a variety of modes, and Welsh Government encouraging less dependence on private

cars. It can be argued that given this is such a sustainable location there could be a relaxation on parking provision on site. In addition, the site is immediately adjacent to a large public car park ensuring that overspill parking does not create a highway safety issue.

The parking provision to the undercroft of the dwellings needs to be maintained in perpetuity by removing permitted development rights to change the use of these spaces.

6.7 Affordable Housing

Policy S4 of the Local Development Plan requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. The policy says that within the Main Towns, of which Monmouth is one, developments sites with a capacity of five or more dwellings will make provision for 35% of the total number of dwellings on the site to be affordable. In this case two affordable units (the paired dwellings) are being provided on the site; these are both two-bedroom units and are compliant with DQR standards. The provision of two-bedroom units is in line with the need demonstrated by the local housing register. The affordable units will be constructed by the developer and then passed onto a social housing provider. This will be secured via a s106 Legal Agreement.

6.8 Flooding

The site is within a C1 Flood Zone as defined in the Development Advice Map (DAM) contained in TAN15, this means the site is within a flood zone but is protected by significant infrastructure/defences along the River Monnow. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Paragraph 6.2 of TAN 15 says that new development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development (residential) and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 found to be acceptable.

Considering these tests:

Tests i) or ii), the location is a highly sustainable location where PPW and Future Wales promotes the efficient use of land and the relevant LDP policies support residential development within existing settlements. The site is currently in poor condition with the existing building boarded up for safety following repeated attempts to break in. The redevelopment of the site to provide a high quality environment, much needed affordable housing and a key pedestrian link from the main street to the wider parking courts beyond align with the Council's Transforming Towns agenda and regeneration initiatives to support the vitality, viability and employment opportunities of the town centre.

Test iii), in this case the site is previously developed land (a brownfield site with former buildings on the site).

Test iv) that the consequences of flooding are acceptable.

NRW have responded to the consultation stating -

A Flood Consequence Assessment (FCA) was undertaken by RSK referenced 680554-R1(01) - FCA dated July 2022. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.

The following flood depths are provided in the FCA addendum:

- 1% (100) plus climate change event flood depths range from approximately 0.94m to 2.17m on site. The combination of flood depths and velocities results in a low to moderate hazard rating for the site during the 1% plus climate change event.
- 0.1% (1000 year) flood depths range from approximately 2.08 to 3.32m on site. This event experiences very low velocities of less than 0.5m/s within the site boundary. The combination of flood depths and velocities results in moderate to high hazard rating for the site during the 0.1% event.

The proposed ground floor of the terrace and the pair of dwellings is proposed to be used for garaging and storage. The main residential accommodation will be at first floor level, with a finished floor level of 2.4m above external ground levels, although the ground floor accommodation will not be flood free in the event of a 1 in 100 year flooding event. The FCA concludes that the site could flood to an extent of 0.94m to 2.17m in this form of event. TAN 15 (A1.14) states developments should be designed to be flood free during a 1% fluvial flooding event. The development includes that of the whole site, including the parking areas on the ground floor. This is confirmed by NRW's response of January 2023. Unfortunately, the FCA as identified above shows flooding to a depth of 0.94m to 2.1m at the site in a 1% (1 in 100 year) event, meaning that the development fails to comply with the requirements of the TAN. NRW also raise concerns regarding the impact of flooding in the event of a 1 in 1000 year event, as depths could exceed 3.32m meaning that the first floor would not be flood free. However, less weight is given to 1 in 1000 year events as these are very infrequent and less likely to have an impact on the lifetime of the development, that would be approximately 100 years.

It is however noted that the 100 year plus climate change data shows the flood depths, but also coincides with very low velocities of less than 0.3m/s within the site boundary, meaning that the site will take some time to flood to these depths. In the 1000 year event, this is 0.5m/s. NRW operate an early warning system notifying owners/occupiers of potential flood events so prior preparation and evacuation where necessary can take place appropriately. This form of mitigation and flood management will not have an adverse impact on flooding elsewhere and can be included as part of a flood management plan. However, this does not reduce the actual risk of flooding on site.

Other options such as raising the ground levels within the site are impractical and would result in increased flooding elsewhere, again failing to comply with the requirements of TAN 15.

LDP policy S12 states that all new development must demonstrate sustainable and efficient resource use, this includes renewable energies, techniques and construction as well as ongoing efficiency of the site. The Design and Access Statement sets out how the proposed development would take into account the use of renewable technologies and appropriate construction techniques as well as ongoing efficiency of the users of the site to future proof the proposals. This is considered to be compliant with the first part of S12. However, as the FCA has demonstrated the site is subject to flooding and despite being in a sustainable location, the FCA demonstrates that the extent of flooding is not acceptable and not compliant with the advice set out in TAN 15.

LDP policy SD3 refers specifically to flood risk, stating that highly vulnerable development will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within the settlement boundary. Developments within the flood plain will be required to demonstrate:

- The development can be protected by approved engineering or other flood protection measures,
- Such measures will not cause adverse flooding elsewhere,

- The development and mitigation measures can be sympathetically assimilated into its environment,
- The development does not interfere with other Agencies' requirements to manage flooding,
- Nature conservation is protected and enhanced.

The proposals do not relate to the conversion of upper floors of an existing building as they provide seven new build dwellings and so are considered to be contrary to this policy. In addition, the development is not protected by bespoke engineering flood defences specific to this site, however, Monmouth is protected by existing flood defences. It is not considered that the development will cause adverse flooding elsewhere and the development is appropriately assimilated within its environment, nor does it interfere with the ability of other agencies to manage existing flood defences. The nature conservation status of the site is also maintained.

In conclusion, the development fails to accord with LDP Policy SD3, regarding the need to avoid the siting of inappropriate development in areas at risk of flooding.

6.9 Drainage

6.9.1 Foul Drainage

The application is within a sewered area, therefore the application proposes that the new residential units would use the same mains sewerage system as the existing buildings on site. This is in line with Welsh Government's Drainage Hierarchy. DCWW initially raised concerns that the capacity of the sewer network in Monmouth was not able to cope with further developments until improvements had been made in October 2022. The LPA is aware that these have now been carried out and that the current system has increased capacity. In addition the extant permission on the site could be carried out which would also connect to the mains sewer and therefore due to increased capacity and a fall back position the proposals are considered to be acceptable.

DC-WW raised no objection in their second consultation response in August 2022, however did identify the position of the mains sewers at the front of the site and required a 3m no build zone. The pair of dwellings has therefore been positioned to avoid building on or near the mains drains.

6.9.2 Surface Water Drainage

The application proposes to take full advantage of the requirement to achieve SuDS compliance through harvesting, infiltrating, slowing and storing run off on site. The anticipated approach will be a combination of components on the surface and below ground specifically beneath the surface of the cobbled roadway to allow the surface water to be managed effectively. This will be fully assessed and independently approved via a separate Sustainable Drainage Application. DCWW and the Lead Local Flood Authority have confirmed that a SUDS application will be required which will ensure that all surface water is appropriately managed.

6.10 Noise

The Council's Environmental Health Officer responded to the consultation requesting further information in relation to internal and external noise levels and requested an acoustic report to confirm how levels will be achieved. However, given the dense urban environment, adjacent to existing commercial properties and a large car park it is not considered necessary to request a full noise report. Additional information, however, was requested in relation to the proposed air source heat pumps (ASHP). This has been provided stating that the proposed ASHP would create 46bd of noise within 1m reducing to 36bd within 3m and 32bd within 5m. For comparison a standard refrigerator emits 40db of noise which is considered to be acceptable within this urban environment.

6.11 Planning Obligations

The proposed development is subject to an affordable housing contribution and as identified above this is the provision of two on site two-bedroom dwellings. This would be secured through the Section 106 Agreement.

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

6.12.1 Concerns have been raised in relation to the following issues:

That the proposed buildings are out of context/character for the site. As discussed above the site is an urban environment surrounded by varied roof heights, styles and uses of buildings. The proposed development is considered to be distinct but complementary to the surroundings and appropriate within an urban environment. Concerns have also been raised about over development, however as shown in this context the proposed development is appropriate and accords with National Policies regarding development within urban areas.

Concerns in relation to the public thoroughfare. The inclusion of an open and public pedestrian link through the site is welcomed; it is not considered that the shared space to the rear poses substantial harm to pedestrians given the very low speeds of cars that would be using the shared parking court to the rear.

Concerns that the existing building should be renovated and repaired and not demolished. The consideration for demolition of unlisted buildings in Conservation Areas has been set out above. It is considered that the demolition and redevelopment of the site as proposed preserves or enhances the special character of the Conservation Area.

Support has been provided from Monmouth Town Council who requested EV charging in each property, consideration of the SAB requirements, details of the proposed air source heat pumps (ASHP) and consideration of phosphates. EV charging has been included in the plans and details of the ASHP have been provided. SAB approval is a separate application and will be considered by the SAB Team and the issue of phosphates has been considered above.

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

6.13.1 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.

6.14 Conclusion

6.14.1 The proposed development of this brownfield town centre location is broadly supported. The development is considered to bring multiple benefits to the town in terms of sustainable housing, provision of on-site affordable housing, public realm improvements and a general improvement of the character and appearance of the area. The development accords with the principles of the town centre first approach set out in National Policy (Future Wales), the objectives of Planning Policy Wales Ed.11 and the strategic and development management policies of the Local Development Plan.

However, as the FCA has demonstrated, the site floods in a 1 in 100 year (plus climate change) event to potentially 2.1m. TAN 15 sets out criteria for assessing flood risk in relation to new, highly vulnerable development, that it should be flood free within these flood events. The development as proposed will not be flood free. Alternative mitigation such as raising ground levels is not considered appropriate in this context and will have an adverse effect on flooding elsewhere, again contrary to policy.

7.0 RECOMMENDATION: REFUSE

This application was considered at Planning Committee 4th July 2023 where the resolution was to approve the application subject to the conditions being confirmed by the Delegation Panel.

The conditions below were presented to the Delegation Panel on 10th August 2023 and in order to follow the adopted procedure in Section 12 of the Council's Planning Code of Practice are hereby provided for Committee approval:

Conditions:

1 TIMESCALE

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 APPROVED PLANS

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 BIODIVERSITY COMPLIANCE

The development shall be carried out in strict accordance with Section 6 and Plan 5 of the approved Bat and Nesting Bird Survey Report (Acer Ecology, March 2022). Should the development not be carried out in strict accordance with the approved mitigation plan/strategy all works shall cease immediately until alternative means of mitigation have been submitted to and approved in writing by the Local Planning Authority. The agreed alternative scheme shall be carried out in accordance with the timescale approved within that alternative mitigation scheme. Reason: To comply with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife and Countryside Act 1981 regarding the requirement to protect bats and their roosts, and to ensure compliance with LDP Policy NE1.

4 EXTERNAL LIGHTING

Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include lighting type, positioning and specification. The strategy must demonstrate that bat mitigation entrances are not illuminated and allows dark corridors for bats. The scheme shall be agreed in writing with the LPA and implemented in full in accordance with the timescale approved within the agreed scheme, and retained in perpetuity.

Reason: To safeguard roosting and foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

5 BIODIVERSITY ENHANCEMENT

Prior to commencement of any construction works, a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include location, positioning and specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans prior to the occupation of any dwelling on site and shall be retained as such thereafter.

REASON: To provide no net loss and net gain of biodiversity in accordance with the Section 6 Duty of the Environment (Wales) Act 2016 and LDP Policy NE1.

6 PERMITTED DEVELOPMENT RIGHTS - GARAGE

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification) the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.

REASON: Given the potential impacts of flooding the garage is not suitable for residential accommodation and is to be retained as storage space to increase recoverability of the dwelling in the event of flooding in accordance with LDP Policy S12

7 ARCHAEOLOGY

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 to and approved by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To ensure the development meet the terms of the Historic Environment (Wales) Act 2016, PPW and Technical Advice Note 24 (TAN 24): The Historic Environment.

8 BUILDING RECORDING

No site works shall be undertaken until the implementation of an appropriate programme of building recording (L2) and analysis has been agreed with the Local Planning Authority. The record shall then be deposited with the Royal Commission of Historic and Ancient Monuments Wales.

REASON: To ensure that adequate records are made of the building prior to alteration.

9 CONTAMINATION EHO.

No part of the development hereby permitted shall commence until:

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011+A2:2017, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

- d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

10 CONTAMINATION - Imported Material EH03

Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

11 LANDSCAPE DETAILS

Prior to the commencement of development updated full and comprehensive details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority, to include the following details:

- o Detailed scaled plans, showing existing and proposed levels.
- o Proposed and existing utilities/services above and below ground.
- o Soft landscape details shall include: means of protection, planting plan, specifications including species, size, density and number, cultivation and other operations associated with planting and seeding establishment.

o Hard surfacing materials.

o Minor artefacts and structures (e.g. Refuse or other storage units, fencing, signs and lighting).

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1, LC1 and LC5 of the Local Development Plan

12 LANDSCAPE IMPLEMENTATION

All hard and soft landscape works approved under condition 11 above, shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure in compliance with LDP policies LC5, DES1, S13, and GI1.

13 LANDSCAPE MAINTENANCE

A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

14 PARKING

No dwelling shall be occupied until the relevant and associated car parking and service vehicle provision have been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure provision is made for the parking of vehicles and to ensure compliance with LDP Policy MV1.

15 CONSTRUCTION ENVIRONMENTAL METHOD STATEMENT

No development shall commence, including any works of demolition, until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust from the site preparation, groundwork and construction phases of the development. The approved statement shall be adhered to throughout the construction period. The statement shall also provide for:

i) the parking of vehicles of site operatives and visitors;

ii) loading and unloading of plant and materials;

iii) storage of plant and materials used in constructing the development;

iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v) wheel washing facilities;

vi) measures to control the emission of dust and dirt during demolition and construction; and

vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of amenity, in compliance with LDP policies S13 and EP1 and in the interests of the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1.

16. **OBSCURE GLAZING**

The windows to Plot 6 front elevation, projecting bay window and bathroom, shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

17. **ASHP**

Prior to the installation of the units, the precise location of the proposed Air Source Heat Pumps (ASHP) shall be submitted to and approved in writing by the Local Planning Authority. The ASHP shall then be installed and maintained in accordance with the details hereby approved.

Reason: to increase the recoverability of the dwelling in event of flooding.

18. **FLOOD WARNING**

Prior to occupation of each dwelling, a note including the following wording shall be placed on the registered title of the dwelling: "The Flood Consequences Assessment submitted in support of the planning application for this development estimates that in the 1% (100 year) event, with allowance for climate change, the homes will flood to a depth of around 1.9 metres (the height of a tall man). This inundation is likely to be rapid following overtopping and/or breaching of the town's flood defences."

Reason: It is important that future residents understand the level of flood risk relating to the property, for their own safety, and to allow them to make educated financial decisions. The current flood re-insurance scheme supported by UK Government does not cover dwellings constructed after 2009.

19 **FLOOD PLAN**

Prior to occupation of each dwelling, a flood plan must be submitted to and approved in writing by the Local Planning Authority, once approved the plan shall then be provided for residents, initial and any subsequent occupiers. The flood plan shall also include a schedule of flood resistance/resilience measures that are to be incorporated into the design/construction of the building and retained in perpetuity. If the flood plan states that upper floors may be a refuge at times of flooding, this should include an assessment of the structural stability of the building during flooding and a warning that power supplies are likely to be lost for a significant period of time. The flood plan must be approved by MCC's Emergency Planning team prior to occupation of the dwellings.

Reason: to reduce the likelihood of loss of life during anticipated flood events.

20 **MATERIALS**

Samples of the proposed external finishes of the dwellings and boundary walls and means of enclosure to the site 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.

21 **PD rights – fences**

Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity and to safeguard the appearance of the area.

22 **Retention of Materials**

A schedule of materials that can and will be salvaged from the existing building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of demolition. The schedule shall include where the materials are to be stored.

REASON: In the interests of the historic environment .

23 **Demolition Contract**

No demolition shall take place unless and until a signed contract has been made for the works for the redevelopment of the site and erection of the hereby approved dwellings. A copy of the contract shall be submitted to and approved in writing by the Local Planning Authority no less than 14 days prior to the commencement of the demolition. Should the appointed construction firm be, at any time, unable to fulfil the contract, then an alternative shall be secured prior to the commencement or completion of demolition.

Reason: To ensure provision is in place for the replacement building to be erected prior to the existing building being demolished, having regard to Policies HE1 of the Local Development Plan.

SAB INFORMATIVE:

Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018 the applicant may require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government Standards. The total construction area for this site is potentially in excess of the 100 m² threshold. Total construction area includes existing buildings that are being replaced, re roofed, removed or patio/driveway areas including permeable surfacing. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for Pre App discussion prior to formal submissions to the LPA as the SAB process can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on SAB@monmouthshire.gov.uk so we can update our records accordingly.

Application Number: DM/2022/01155

Proposal: Hybrid application comprising:
1) Full planning for the erection of a roadside facility comprising petrol filling station, 2no. drive through units and associated development; and
2) Outline application for storage and distribution / logistics or industrial / manufacturing floor space and associated development (B2/B8 use class)

Address: Land At Newhouse Farm Industrial Estate, Chepstow

Applicant: Mr Alex Kenwright

Plans: Site Layout 210980 PLG 02 - , Elevations - Existing 210980 PLG 03 - , Block Plan 210980 PLG 04 - E, Site Layout 210980 PLG 05 - C, Elevations - Proposed 210980 PLG 06 - A, All Proposed Plans 210980 PLG 07 - , All Proposed Plans 210980 PLG 08 - , All Proposed Plans 210980 PLG 09 - , All Proposed Plans 210980 PLG 11 - , All Proposed Plans 210980 PLG 12 - , All Proposed Plans 210980 PLG 13 - , All Drawings/Plans 210980 PLG 14 - , All Drawings/Plans 21330-AP3-001 - E, Green Infrastructure Framework Plan 485901 - A, Planting Plan 485902 - A, Planting Plan 485903 - A, Planting Plan 485904 - A, Planting Plan 485905 - A, Ecology Report Biodiversity Enhancement Scheme - Rachel Hacking Ecology, Transport Assessment Addendum May 2023 - 3705923, Other Colour Pallett - Jenkins Design, Other Details of Fuel Tanks - SD 006A, Site Sections proposed Site Section - PLG 15, Other Retaining Wall Details - 21330 SK 009-0

RECOMMENDATION: Approve subject to a S106 Agreement to secure a financial contribution to contribute towards the provision of signage for pedestrians

Case Officer: Ms Kate Young
Date Valid: 26.08.2022

This application is presented to Planning Committee as we have received objections from a Town and a Community council and internal consultees

1.0 APPLICATION DETAILS

1.1 Site Description

The proposed development site extends over 4.75 ha and is located at the entrance to the Newhouse Farm Industrial estate at Junction 2 of the M48 Chepstow, which is within the development boundary and community of Chepstow. The application site sits on the north-western side of the slip road that provides access to the industrial estate. The ground is set on varying gradients sloping down from east to west and is in an elevated position above the remainder of the employment area. Currently the areas are deemed to be amenity or lightly grazed grassland, sloping north to south bounded by narrow wooded corridor to the north and west with single line fragmented hedge / tree boundary to the east along the industrial estate spine access.

The site falls within the following designations:
Development Boundary for Chepstow (LDP PolicyvS1);
Identified Industrial and Business Sites (LDP allocation SAE1);
Allocated Waste Site (LDP allocation SAW1f);
Archaeologically Sensitive Area.

The land to the south and west of the site is designated as a Protected Employment Site (SAE2), Newhouse Park Industrial Estate. The land immediately to the north of the site, including the M48 Motorway is allocated as a Minerals Safeguarding Area for Limestone (M2) and a Green Wedge. The land to the north of the motorway is in the Mathern Conservation Area. The land to the south of the Industrial Estate road is on a C1 Flood Zone as identified in the Flood Maps of TAN15 In the Flood Maps for Planning. The land to the south and west of the application site has been identified as Zone 3 for Coastal Flooding and some localised surface water flooding. The site is outside of any phosphate sensitive areas. There is a promoted walking route to the west and east of the site, that partially follows the route of public right of way 355/14(1)/4 immediately to the west of the site.

1.2 Value Added

At the request of the Highway Authority the Transport Assessment has been amended.

1.3 Proposal Description

This is a Hybrid application, consisting of a full and outline application.

The full application includes a Petrol Filling Station (PFS) and associated kiosk shop. In addition a coffee shop to the south of the site and a drive-through restaurant to the north are proposed. The proposed PFS/shop would have an internal floor area of 480m² with a mono-pitched roof with a maximum height of 5.25 metres and would be finished in composite sheeting and timber cladding. There would be a large glazing element to the front, east facing elevation. There would be a canopy over the filling station, approximately 7 metres in height. To the north-west and on the higher part of the site the proposed drive-through restaurant would be located. This would measure approximately 28 metres by 13 metres and would have a maximum height of 5.5 metres, finished in 'Kingspan' sheeting and timber cladding; there would be a significant amount of glazing on the front and side elevations. The proposed coffee drive-through would be to the south of the site, would measure 21 metres by 15.8 metres and would have a flat roof 3.9 metres high but would have a central tower with a maximum height of 6.9 metres. The tower would contain the ventilation system and also act as an advertisement. The proposed coffee shop would also be finished in metal and timber cladding with glazing on all elevations.

The whole site would provide 75 car parking bays including 10% EV charging spaces and disabled parking provision. The proposed development would lead to the creation of up to 75 full time equivalent jobs. The EG Group would operate the petrol filling station as well as the drive through elements - no part of the full application element would be leased to another party. This includes all management, employment, staff training and delivery of service for all uses on the site. Therefore, in essence, the site is made up of one planning unit. This ensures that it can be managed effectively in terms of deliveries as well as site maintenance as it falls under one umbrella. It is proposed that the units would operate on a 24-hour basis. The whole site is proposed to be landscaped and the existing drainage ditch to the south of the site would be retained. A new vehicle access is to be provided from the spine road which would serve all three elements of the full application. A new pedestrian crossing would be provided on the spine road.

The outline application includes all matters reserved except for access, for a B2/B8 warehouse proposed for the western side of the site and is speculative at this stage. The scale parameters comprise:

Unit comprising up to 9,043 sq. m

125 car spaces

Height 16 metres

Length 158 metres

Width 55 metres

A preliminary site layout has been proposed with its own separate vehicular access off the main access road into the industrial estate.

The whole application is supported by the following documents:

Design Report
 Landscape and Visual Assessment
 Transport Assessment
 Flood Consequences Assessment
 Extended Phase 1 Habitat Survey and Bat Survey
 Planning Statement
 Pre-application Consultation Report
 Newhouse Active Travel Options.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/01155	Hybrid application comprising: 1) Full planning for the erection of a roadside facility comprising PRS, 2no. drive thru units and associated development; and 2) Outline application for storage and distribution / logistics or industrial / manufacturing floor space and associated development (B2/B8 use class).	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6 LDP Retail Hierarchy
 S7 LDP Infrastructure Provision
 S8 LDP Enterprise and Economy
 S9 LDP Employment Sites Provision
 S12 LDP Efficient Resource Use and Flood Risk
 S13 LDP Landscape, Green Infrastructure and the Natural Environment
 S16 LDP Transport
 S17 LDP Place Making and Design
 SAE1 LDP Identified Industrial and Business Sites

Development Management Policies

RET4 LDP New Retail Proposals
 E1 LDP Protection of Existing Employment
 SD1 LDP Renewable Energy
 SD2 LDP Sustainable Construction and Energy Efficiency
 SD4 LDP Sustainable Drainage
 LC5 LDP Protection and Enhancement of Landscape Character
 NE1 LDP Nature Conservation and Development
 EP1 LDP Amenity and Environmental Protection
 EP3 LDP Lighting
 MV1 LDP Proposed Developments and Highway Considerations
 DES1 LDP General Design Considerations
 SAW1 LDP Identified Potential Waste Management Sites

Supplementary Planning Guidance

Renewable Energy and Energy Efficiency SPG March 2016:

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

Mathern Community Council (13/06/23)

The development will place further vehicles on the roundabout and create further impact on the movement of the traffic.

This could encourage further anti-social behaviour.

Concerned about the negative impact to the village of light pollution, environmental and noise pollution on the surrounding villages and Bulwark.

A litter management scheme is needed.

A safe crossing for local residential area.

The site is above the bund specifically built to stop noise and light issues affecting Mathern Village.

Chepstow Town Council - Refuse (15/06/23)

Insufficient provision for safe pedestrian access

Glamorgan Gwent Archaeological Trust (GGAT) - No objection subject to conditions (11/10/22).

MCC Highways - No objection (14/07/23)

We were reconsulted following submission of a revised Transport Assessment and further design details. An independent audit of the submitted Transport Assessment has been carried out. The Highway Authority are now satisfied that the standards applied to the proposal are acceptable and supports the use of the PICADY peak hour analysis. Therefore, based on the junction capacity analysis the junctions are considered to be acceptable in capacity terms. The junctions are also backed by suitable data including swept path analysis and suitable visibility splays, and

the applicant has demonstrated measures to create visual awareness of the junction approaches to assist with reduction in vehicle speeds around the junctions. Regarding the proposed junction and access road gradients it is noted that gradients are to be considered at reserved matters however we would request that as per the Welsh Common Standards that the junction gradient should be 1 in 20 for a minimum 20m to ensure that all vehicles accessing & egressing the site do so at a reasonable level.

While there remain concerns over the Active Travel route for the site and its distance from the Active Travel (AT) desire line, the link proposed is acceptable on balance since we are unable to promote pedestrian routes towards the M48 junction. The proposed crossing and link between sites are acceptable given that the land and works required within the embankment directly opposite to the PFA junction (AT desire line) to provide a suitable AT link is not achievable due to the topography and impact on existing trees. It should be noted that further guidance on measures to improve the existing route should be sought from our AT team and should include a Section 106 to improve its safety and desirability as an AT route.

Welsh Government Transport Division (07/12/22 and 01/08/23)

In vehicular terms the above proposal is considered not to represent a significant impact at the trunk road and motorway.

From an Active Travel perspective, connectivity to Bulwark (the main residential node) is via a route that could be considered unsuitable from an inclusivity perspective. The underpass and connecting paths have limited natural surveillance, particularly at times that employees may be travelling back and forth, as well as being potentially indirect. Further information regarding signing and appropriateness of this route is required to be provided for its improvement and relevance so that unsuitable alternatives do not form. The principles and design elements of the Active Travel Design Guidance should be used and referred to in demonstrating such routes in support of the application. Welsh Government have reviewed the Active Travel report and its conclusions have been noted.

It has been observed that there is a significant fall gradient at the north of the site. Excavation and retaining structures are proposed at this northern extent of the development where this land abuts the motorway highway asset. These works and structures have the potential to severely impact upon our right of support if not implemented via an appropriate method to the required standard. Any failure to comply with notes one and two would likely result in legal action being taken.

Conditions are suggested.

Natural Resources Wales (24/11/22)

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching a condition regarding a Construction Environment Management Plan (CEMP) to any planning permission granted.

Lead Local Flood Authority and SuDS Approval Body - No objection

Surface Water Drainage

The application has demonstrated a means of surface water disposal that is likely to get approval; the system needs further design but this will be managed through the SAB process. On that basis the surface water runoff will be managed via a system to be approved by the SAB. Flood risk maps provided by NRW indicate the site not to be at particular risk of flooding. Our database of previous flood events does not record any flood events in close proximity to the site. The applicant has submitted an FCA which confirms the above.

MCC Landscape (06/04/23)

Full application for PFS and two drive-throughs with associated landscaping: No objection subject to conditions. Further clarification is required with regard to the provision of a GI Management Plan for the whole site clearly identifying roles and responsibility for aftercare of developed sites and outline site should that be a phased development. Clarification would be welcomed regarding

the close board fence above the proposed retaining wall should the outline be delayed in terms of delivery. Further clarity sought with regard to earthworks.

Outline application - Provisional holding objection

The proposed Unit 1 is too large in terms of footprint for the site impacting on the quality of the Wales Coastal Path, highlighted in the LVA in terms of compact, the available space for an effective landscape buffer to the service road elevations and effective provision of suitable SuDS.

MCC Active Travel (19/06/23)

In review of the extra information provided, "The Proposed route" does not provide a significant shortening of the pedestrian route and the same concerns remain as previously stated. Namely that the desire line of pedestrians is up the road towards the motorway junction. This desire line is significantly shorter than the alternative proposed and the directness of this route is a significant draw. From those options shown, "The Direct Route" is the only route which may mitigate some of the risk with suitable path grading on the slope, but this is still significantly longer than the on-road route, which is of serious concern for pedestrians accessing via the Motorway junction route. This matter is a serious road safety risk and I urge Highways and Road Safety colleagues to seriously review the proposals and the risks identified.

MCC Public Rights of Way (PROW) - Holding Objection (12/06/23)

The applicant's attention should be brought to Public Footpath 14(1) in the community of Chepstow which runs within the site of the proposed development. Lack of public rights of way to access the site, either footpaths or adopted footways. The available route from footpath 355/14(2), at the north of the M48, to the proposed site is not a public right of way. It appears from the site plans supplied with the application that pedestrian access to the site may rely on the use of this footway. Due to the status of the footway, if its availability was withdrawn by the landowner, then that footway would no longer offer safe access to the proposed site.

The application site plan also shows a footway is to be built, leading from the public right of way 355/14(1) at the south west corner of the site, up to where there is an access road into the site. This appears to indicate that pedestrians attending the site from Chepstow would be expected to follow a route under the M48 then along the Industrial Estate footway, before crossing the road opposite footpath 355/14(1), then returning up the hill to the access road into the site. I am very concerned that pedestrians will not follow this route and will look to shorten it by cutting across the Newhouse Roundabout over the M48 from the end of footpath 355/14(2) thereby causing an increased risk to safety.

I would ask that consideration be given for the plan for pedestrian access to the site be designed in such a way as to eliminate or mitigate the apparent risk to pedestrians.

MCC Ecology - No objection (27/10/22)

Habitats

An Extended Phase 1 Habitat survey undertaken in September 2021 and January 2022, the walkover surveys followed standard survey guidelines. Sections of hedgerow will be lost along the south-eastern boundary of the site to allow for access provision for the new development.

The site lies within a SSSI Impact Risk Zone

Bats

No buildings are present within the site. The site is considered to be of local value only as bat foraging and commuting habitat. The bat surveys were undertaken in line with standard practice guidelines

The site supports nesting habitats for birds within the scattered trees and scrub, continuous scrub and hedgerows. Nesting birds can be mitigated for by allowing no works to potential nesting habitats to be carried out within the bird nesting season

The lighting details are deemed acceptable for the proposals and a compliance condition can be imposed. The ecological report includes details of proposed enhancement measures these are acceptable, the landscaping and planting details have been provided with the submission

however, as recommended in the ecology report, details of hedgehog holes are not included in these plans. It is requested that these are added to updated plans prior to approval.

5.2 Neighbour Notification

One letter of objection received

This will put further pressure on the roundabout and have a negative impact on the movement of traffic. It is already difficult to pull out of Thornwell onto this roundabout and the addition of a services will make this situation worse.

This facility is not needed, there is a suitable services at Magor, also a suitable services just across the M48 bridge, there is also a petrol station and fast food at the top of the bypass road that leads into Chepstow so more services in this area are not needed. This will also destroy a part of the Chepstow countryside which is used by the public on the public footpath.

One letter of support received.

The application should be approved.

The development will serve a large area and provide facilities and jobs.

Will ignite some life and energy into what is a dying town.

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

6.1.1 Loss of Industrial and Business Site

The site is located within the Chepstow Development Boundary on the Newhouse Farm site, allocated as an Industrial and Business Site under LDP Policy SAE1. Policy SAE1 f) identifies the site for B1 and B2 uses while Policy SAW1f identifies the site as having potential as the location for an 'in-building waste management facility'. The outline element of this application for a B2, B8 warehouse complies with Policy SAE1f of the LDP. However, the full element of the application comprising of the PFS roadside facility and the two drive-through buildings would not. The drive through coffee and restaurant uses are A3, while the PFS is a sui generis use as defined in the Use Classes Order, so neither of these uses strictly comply with Policy SAE1 f, although both are employment generating.

The applicants maintain that the provision of the road side facility will aid the development of the B1, B2 use as the site is challenging and unlikely to be developed otherwise.

The proposed loss of employment land should be assessed against LDP policies S9 and E1 which seek to protect existing and allocated employment land from alternative developments. Policy E1 considers the Protection of Existing Employment Land and states that:

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

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

For the full part of the application, taking these points in turn:

- a) That the site is no longer suitable for B employment use.

The site is located within the main industrial estate and so in principle is still suitable for such B uses. However, given the topography of the site, with an 8m difference in levels within the site, the construction of a large B class use unit would involve substantial excavation of the site to create a level base with a limited return on the investment. This is considered to be the main reason for the site not having coming forward within the plan period 2011-2021. The returns from retail development are higher than they are for industrial uses. As part of the Replacement LDP process consideration is being given to removing this site from the employment allocations and this is a reflection on the difficulties of developing this site.

The difficulties in the delivery of the site for Class B purposes have been acknowledged in the most recent Employment Land Review published by the Council in June 2021. The review stated:

"From a market perspective the site is a strong candidate for employment uses as it is at the junction with the M48 and at the entrance to a substantial industrial estate. However, the topographical issues with the site and the technical options that result from this, mean that the site is unlikely to be developable in a cost-effective manner. The topographical challenges and limited options for access mean that a viable solution is unlikely. As such it is unlikely that this site will come forward for employment uses, though will also face the same constraints and viability concerns for development of other uses. If developable for other uses, such uses would need to be complementary to and not impinge on the existing industrial estate."

The applicants maintain that "while well located, the site is problematic in respect of delivery. Given this position, as acknowledged by the LPA, the inclusion of it as an allocation for employment purposes is in question - not linked to suitability, rather deliverability. Accordingly, in addition to providing a driver welfare facility for which there is an identified need, the inclusion of the roadside element of the scheme will provide a level of viability and capital into the scheme which will aid the deliverability of the B2/B8 uses. Irrespective, and notwithstanding the B2/B8 floorspace proposed as part of the application, the roadside element will result in significant job creation which far outweighs the potential employment generation the majority of Class B uses would deliver on a person /sqm basis at the Site."

- b) Sufficient capacity is elsewhere.

In this case, there is little evident demand for new, *large scale* industrial buildings for B uses as evidenced by the existing vacant unit on Newhouse Park and other vacant units in the surrounding Chepstow area. With the changing economic structures there is a sufficient quantity and variety of industrial sites available in the area that could be brought forward to meet the employment needs of the County if required.

- c) That there is no viable industrial or business use.

As explained above the topographical issues of developing the site for B uses have rendered the site undeliverable for B uses alone.

- d) Substantial amenity benefits.

The development of the north-eastern portion of the site is considered to be necessary to facilitate the delivery of the south-western part which is in line with the LDP. This alternative use impacts a small element of the overall industrial estate and is considered on balance to be acceptable. The development will provide facilities which are complementary to the industrial estate and would make use of a vacant site which is restricted for alternative uses given its position so close to the M48 and the existing very large units.

- e) The loss of the site would not be detrimental to creating a balanced economy.

The proposed PFS and drive-through facilities would provide circa 75 jobs for those in the local community. Despite not being in the manufacturing or warehousing sector this is considered to be an important benefit of the scheme. In addition, as the full application is considered to be effectively enabling development to deliver the outline element of the

application, this would also facilitate a further 200 jobs in the manufacturing/ warehousing sector which, without the retail element, would not be viable or deliverable.

For the above reasons the loss of the site is not considered to be prejudicial to the aim of creating a balanced local economy; there has been a lack of demand for large scale industrial units on this particular site and the non-B use element may draw in investment for B uses on the remaining element. The proposal therefore complies with the criteria set out in Policy E1 of the LDP.

6.1.2 Impact on the Town Centre

The drive-through restaurant and coffee shops are both A3 uses. LDP Policy RET4 relates to new retail and commercial leisure/entertainment developments and states the preferred location of such proposals is within Central Shopping Areas (CSAs). Policy RET4 must be considered in full along with national planning policy set out in PPW11.

Policy RET4 - New Retail Proposals

The preferred location for new retail and commercial leisure /entertainment developments (not covered by Policy RET3 Neighbourhood Centres), including extensions to existing retail premises, will be in the designated Central Shopping Areas (CSAs). Where it can be demonstrated that no suitable sites exist in the CSA, then sites on the edge of the CSA should be considered before finally considering out-of-town sites. Where development outside the CSA is considered the proposal will be assessed against the following criteria:

- a) a demonstrable need exists for the proposed development;
- b) the proposed development, either individually or cumulatively with other recent or proposed developments, would not have a detrimental impact on the trade /turnover, vitality and viability of town, local or neighbourhood centres;
- c) the proposed development is of an appropriate scale and type to the size, character and function of the centre and its position in the retail hierarchy;
- d) the proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres;
- e) the proposal is in a location accessible to public transport facilities;
- f) the proposal is not on land allocated for other uses. This especially applies to land designated for industry, employment and housing, where retail development can be shown to limit the range and quality of sites for such uses.

Taking these in turn:

a) Demonstrable need

The site is not located within a Central Shopping Area or on the edge of a Central Shopping Area, which are the preferred location for new A3 uses. The applicant maintains that the use of the land as a comprehensive roadside development will provide facilities for which there is an identified need by the operators, a positive use of the site and a series of economic benefits. The roadside service element would serve passing motorists travelling along the surrounding highway infrastructure. Survey data shows that similar facilities do not act as primary trip attractors and thus the proposed development would not divert trade from Chepstow Town Centre.

b) Would not have a detrimental effect on the vitality and viability of the town centre.

This criterion of Policy RET4 is concerned with the impact on trade, vitality and viability of existing retail centres, in this case Chepstow Town Centre as well and Thornwell and Bulwark Neighbourhood centres. It is expected that the vast majority of the visits to the proposed retail units will be by car borne people traveling along the M48, although some visits may be made from the residential areas of Thornwell and Bulwark and by employees on the Newhouse Park Industrial Estate. It is unlikely that the new restaurant will compete with Chepstow Town centre for trade given its nature but it may attract customers that would otherwise use the A3 uses established in Thornwell and Bulwark Neighbourhood Centres.

The PFS is a sui generis use and does not comply with the B2 and B8 uses of the SAE1 (f) allocation but it does have site specific requirements and is employment generating. The developer maintains that, "The proposed use of the site as a PFS and 'drive-thru' units comprises a roadside development which provides driver welfare facilities and a comprehensive offer to passing motorists. It is not a typical convenience or comparison retail development in an out of centre location. Such developments which focus on driver welfare by offering refuge and respite facilities must be immediately accessible to users of the road which they intend to serve. To that end, such a facility would not be workable for either the operator or convenient for motorists if it were located within a Centre or in any peripheral location without a frontage onto major highway networks. In the case of this site, it benefits from visibility from both the M48 and A466. It is therefore in the optimum location to provide such facilities."

The applicants maintain that there is a need for this provision and that by its very nature the PFS needs to be located adjacent to a motorway junction. The PFS has good access from the M48 and the A466, and so the application site does appear appropriate for such a use. The application site has not come forward as a "B" use site (for the reasons already set out) and providing a PFS not only overcomes the perceived need for this type of facility, but it also provides some local employment opportunities.

Case Law has determined that the A3 elements of a road side facility can be included with the PFS and Kiosk as a single planning unit. The site in question is suitable for the PFS as it is on the motorway junction, whereas a site within the town centre would not be suitable for this type of development. As the petrol filling station is acceptable in this location it follows that the two A3 uses that are as part of the same planning unit and are there to serve passing motorists would also be acceptable.

There is no requirement to disaggregate proposals into its smaller constituent parts when applying the sequential test, and when considering sequential sites. In respect of Class A uses, the scheme comprises a roadside development aimed at serving passing motorists and is not intended to compete with outlets in the Town Centre or with Neighbourhood Centres. The proposed development of this site should not impact on the vitality or viability of Chepstow.

d) the proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres;

As discussed the proposed development is not considered to be a town centre use; it is also not considered to compete or draw business away from the town centre. There is no evidence to suggest that the development would have a detrimental impact on future public or private investment within the town centre.

f) the proposal is in a location accessible to public transport facilities;

The nature of the development, being predominately a car borne destination serving the car user, means that customers would be unlikely to use public transport facilities. However, there is a pedestrian link to the site which is proposed to be upgraded with signposting and a new crossing to facilitate a safe crossing for those accessing the site by foot.

f) the proposal is not on land allocated for other uses. This especially applies to land designated for industry, employment and housing, where retail development can be shown to limit the range and quality of sites for such uses.

The development site is allocated for industry and employment, the south-western part of the site will remain in such use, while it is the north-eastern element of the site that is proposed for retail uses. This is considered necessary to facilitate the delivery of industrial units on the south-western area, which in turn will provide employment for the local community. In addition the retail element will also provide employment which supports the use of the site overall.

6.2 Economic Considerations

The Planning and Retail Statement (PRS) prepared on behalf of EG Group and submitted as part of the planning application states that up to 75 full time equivalent jobs would be created as a

result of the road side facility; this is based on similar operations elsewhere in the country. Based on the scale of the speculative B2 and B8 industrial unit it is estimated that the building has the potential to provide up to 200 jobs. The applicant also claims that the proposed development provides an opportunity to capture spending from passing motorists who would not otherwise stop within the area.

6.3 Sustainability

The LDP and PPW encourage sustainable development. It is intended that the road side facilities will be used by passing motorists and as such minimal additional trips will be generated as a result of the proposal. The new industrial unit is on an allocated site with good transport links and the sustainability issue will have been considered in detail when the site was allocated in the LDP. The site has good vehicular links to the local road network and residential areas. There is a public footpath that runs to the west of the site which links into the town by a rather circuitous route.

6.4 Good Design

The industrial unit is submitted in outline only so the design will be considered as one of the reserved matters. The design of the proposed PFS and kiosk is determined by its function. The retail kiosk will be single storey and of contemporary design, and would have a mono-pitched roof sloping away from the front elevation. The front elevation is mainly glazing. The building will be finished in composite panels (grey in colour), wood grain effect composite cladding (chocolate in colour) with grey aluminium fascia and glazing frames. The proposed coffee shop, also of contemporary design, would have a flat roof with a larger advertising tower on its front. The coffee shop would be finished in fibre-cement panels, grey in colour with larch vertical timber cladding. The roof would be of metal sheeting with standing seams, grey in colour. The proposed restaurant would contain mainly glazing on the front and side elevations, would also have a mono-pitched roof and would be finished in metal panels, grey and white in colour with composite timber effect cladding in various shades of grey. The design of these buildings is considered appropriate in this location, on the edge of an existing industrial estate and complies with the objectives of Policy DES1 of the LDP which seeks high quality sustainable design. The layout and design of this scheme will ensure a safe, secure, pleasant and convenient environment that is accessible to all users.

6.5 Place Making

PPW 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 site is located on an allocated industrial estate and is not visually prominent in the wider landscape. The buildings on the rest of Newhouse Park are necessarily industrial in design and mainly finished in metal sheeting. The design of the buildings proposed in this application reflect the character, design and scale of other buildings on the estate and are deemed to be appropriate.

6.6 Landscape

The applicant has provided a Landscape & Visual Assessment (LVA) and zone of visual influence to support the hybrid application. The LVA has described the existing site and localised landscape character setting. The Assessment indicates a magnitude of change of medium in short term to low after 15 years with landscape affects being slight moderate after 15 years. The key impacts would be realised by the outline unit of approximately 15m above a localised ground level. Intervisibility from selected viewpoints would be interrupted in part by existing trees and landform.

In terms of the visual appraisal, the methodology and assessment of impact and proposed mitigation is acceptable although the reserved matters for the industrial unit may provide further opportunity to reduce visual impacts to the Wales Coastal Path.

Green Infrastructure Plan

The plan has provided an indication of GI assets close to and within the near locality with reference to current MCC GI policy and findings from an ecological connectivity assessment of 2010 leading to an indicative landscape plan. The enhancement to boundaries to improve GI connectivity and ecological benefit are welcomed. Concern remains with regard the overall footprint and size of Unit 1 (the B-use unit in the outline element of the proposal) which ultimately impacts on the ability to successfully provide an adequate GI buffer to the Wales Coastal Path and service road.

In addition, a 5 year habitat and landscape management plan has also been submitted which has been considered by the Council's GI officer. This is considered to be broadly acceptable and will be capable of rolling over annually. The MCC Landscape and GI officer has suggested that a financial contribution for off-site green infrastructure be provided through a S106 Agreement. Planning officers do not consider this to be justified given that there is no adopted planning policy requiring such a contribution.

6.7 Impact on Amenity

There are no residential properties close to the site. The closest residential properties are in Thornwell over 300 metres way on the opposite side of the motorway junction. Therefore, it is not considered that the development would not have an adverse impact on any residential properties.

6.8 Highways

6.8.1 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. In this case the facilities being provided on the site are specifically aimed at passing motorists. The applicants maintain that, "Along the surrounding highway network there is a distinct lack of modern roadside facilities". It is envisaged that the facilities will be used by motorists who are already on the road network rather than generating additional vehicular movements.

Even though the vast majority of customers will drive to the site it is likely that some will be drawn from the local residential neighbourhoods. There is no public transport to the site. The site can be accessed by the local footpath which forms part of the Wales Coastal Path, but this is not very direct. There is a footpath linking Thornwell and Bulwark, the main residential area with Newhouse Park Industrial Estate but this involves an underpass. A pedestrian crossing will be provided to enable pedestrians to access the site via the existing footpath network. The details of this will be secured by condition.

6.8.2 Access / Highway Safety

The applicants submitted an Amended Transport Assessment in May 2023 and this was reviewed by both Welsh Government and the local Highway Authority. The Council's Highways Officer raised concerns, however WG stated that, "In vehicular terms the above proposal is considered not to represent a significant impact at the trunk road and motorway".

Due to the local Highway Authority's concerns over the appropriateness of the proposed junction arrangements an independent audit of the submitted Transport Assessment was conducted by WSP a consultant on the South East Wales Framework. MCC Highways are now satisfied that the appropriate use of standards for the junction design have been applied to the proposal and that they are acceptable and support the use of the PICADY peak hour analysis. Therefore, based on the junction capacity analysis the junctions are considered to be acceptable in capacity terms. The junctions are also backed by suitable data including swept path analysis and suitable visibility splays, and the applicant has demonstrated measures to create visual awareness of the junction approaches to assist with reduction in vehicle speeds around the junctions. The proposal complies with the objectives of Policy MV1 of the LDP as it satisfies the adopted highway design guide.

6.8.3 Parking

The adopted Monmouthshire Parking Standards identifies the number of parking spaces required for different activities in different zones. In this case the kiosk for the PFS with a floor area of 480m² would require 12 spaces, the restaurant 9 spaces and the coffee shop 8 spaces. They would all require 2 commercial vehicle parking spaces. The PFS would have 23 parking spaces, 2 of which would be disabled bays and 10 would have EV charging points; underground infrastructure would also be put in place during construction for future EV charging to be installed. There is a dedicated loading bay proposed for deliveries. The two drive-throughs would have 53 parking spaces between them and 4 of these would be disabled spaces. The parking provision for this proposal exceeds that which is required by the adopted standards and therefore complies with Policy MV1 of the LDP.

6.8.4 Active Travel

Concerns have been raised by the Council's Active Travel Officer in relation to a safe pedestrian route to the site. There are concerns that pedestrians will seek the most direct route to the site which will involve crossing the busy roundabout adjacent to the site. These concerns were also raised by the Council's Highways Officer and WG.

In response, alternative footpath options have been considered and an options appraisal carried out by the applicant. This concludes that given the gradients to the site and the embankment holding up the access road, any new more direct footpath would involve substantial engineering operations to the embankment that would appear unsightly.

Following submission of this information, WG note its contents and Highways responded stating 'that whilst there remains concerns over the Active Travel (AT) route for the site and its distance from the Active Travel desire line, the link proposed is acceptable on balance since we are unable to promote pedestrian routes towards the M48 junction. The proposed crossing and link between sites are acceptable given that the land and works required within embankment directly opposite to the PFA junction (AT desire line) to provide a suitable AT link is not achievable due to the topography and impact on existing trees. It should be noted that further guidance on measures to improve the existing route should be sought from our AT team and should include a Section 106 to improve its safety and desirability as an AT route'.

However, MCC's Active Travel Officer remains concerned over the link despite the options appraisal submitted. The officer states, "The Proposed route" does not provide a significant shortening of the pedestrian route and the same concerns remain as previously stated. Namely that the desire line of pedestrians is up the road towards the motorway junction. This desire line is significantly shorter than the alternative proposed and the directness of this route is a significant draw. From those options shown, "The Direct Route" is the only route which may mitigate some of the risk with suitable path grading on the slope, but this is still significantly longer than the on-road route, which is of serious concern for pedestrian accessing via the Motorway junction route. This matter is a serious road safety risk and I urge Highways and Road safety colleagues to seriously review the proposals and the risks identified.

The concerns from the AT Officer are noted. Whilst the majority of users to the site will be accessing the site by car, there still needs to be access for pedestrians and the shortest desire line for those coming from the north will be across the busy roundabout junction. However, many may see this road junction as a barrier and despite it being the shortest, will clearly see this is not the safest. The alternative route will remain through the underpass, whether the proposed or direct route option is chosen. The engineering required to reduce the length of public footpath marginally to cross the embankment is significant, involving substantial and unsightly engineering works to form the ramps needed to make the gradient accessible to all users. Given that this site has been allocated for such use for some considerable time and has not come forward, it is considered that the delivery of the site and the wider economic benefits outweigh the harm of not having a more direct pedestrian route to the site.

6.9 Flooding

The site is not in a designated flood zone identified in the DAM maps of TAN 15 or the Flood Maps for Planning in the emerging TAN 15 and therefore the site is at no particular risk of flooding from surface water or main rivers. The land to the south of the site on the opposite side of the access road is in a Zone C2 for flooding. As a result the applicants submitted a Flood Consequences Assessment but the site of this current application is in an elevated position well outside the flood zone.

6.10 Drainage

6.10.1 Foul Drainage

The foul water is proposed to connect to a mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer. Welsh Water have offered no objection to the proposal but request a condition requiring that a drainage scheme for the site be submitted to and approved in writing by the local planning authority.

6.10.2 Surface Water Drainage

Given the scale of the development a full Sustainable Drainage scheme will be required. SuDS approval is a separate application and will be addressed by the Council's SAB Team who have been consulted on this application.

NRW initially had concerns over the protection of ground water but having reviewed the additional information submitted by the applicant in relation to the management and operation of the PFS they are now satisfied.

6.11 Biodiversity

An Extended Phase 1 Habitat Survey and Bat Survey by Rachel Hacking Ecology was submitted as part of the application. This identified habitats within the site to include improved grassland, amenity grassland, bare ground, continuous and scattered scrub, trees and defunct species-poor hedgerows. Habitats within the site are considered to provide suitable commuting, foraging and nesting opportunities for bats, breeding birds and reptiles. The walkover surveys followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey. A technique for environmental audit. Sections of hedgerow will be lost along the south-eastern boundary of the site to allow for access provision for the new development.

The site lies within a SSSI Impact Risk Zone, which lists certain types of development that may have a deleterious impact on protected sites nearby. The type of development proposed here is listed as a concern. NRW has been consulted on this application and requested a Construction Environmental Management Plan (CEMP) is submitted to include measures to prevent potential pollution incidents.

Bats

No buildings are present within the site. The trees along the site boundaries were assessed for potential roosting features for bats and were all found to have negligible potential. A dusk transect survey was undertaken in September 2021 around the site boundaries. Low levels of bat activity were recorded during the transect survey, predominantly along the northern woodland motorway belt. The site is considered to be of local value only as bat foraging and commuting habitat. The bat surveys were undertaken in line with standard practice guidelines. This level of survey effort and assessment is considered proportionate to the nature and scale of the application, and MCC Ecologists agree with the conclusions.

The site supports nesting habitats for birds within the scattered trees and scrub, continuous scrub and hedgerows. Nesting birds can be mitigated for by allowing no works to potential nesting habitats to be carried out within the bird nesting season (which is generally March - August) unless a nesting bird survey is undertaken first.

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The ecological report includes details of proposed enhancement measures for all types of ecology present on the site following the relevant surveys being undertaken. These are considered appropriate and the landscaping and planting details have been provided with the submission and are deemed broadly acceptable.

There will be no lighting to the hedgerows or woodland boundaries. A lighting plan for the site has been submitted as part of the application and this is considered to be acceptable by MCC ecologists and should be referred to as a compliance condition.

6.12 Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

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

Mathern Community Council has concerns over the increase in traffic using the roundabout. This has been the subject of a Traffic Assessment and reviewed by Welsh Government Transport, the local Highway Authority and WSP Consultants, all of whom consider that the proposal would not cause a significant impact to the trunk road and motorway.

Mathern Community Council was also concerned about antisocial behaviour and litter - while these are not strictly planning considerations the applicant has been requested to ensure a sufficient number of litter bins are provided throughout the site.

They have also been concerns that the proposal would result in light and noise pollution for the residents of Mathern Village because the site is above the height of the purpose-built bund. A bund was constructed and then planted on the north eastern boundaries of Newhouse Park Industrial Estate to protect the residents of lower Mathern from noise and disturbance that may arise from the activities on the estate. There are already large industrial units between this bund and the application site. The proposed new industrial unit will be 0.75km from the nearest residential dwelling in Lower Mathern. The majority of the village of Mathern is on the opposite side of the motorway from Newhouse Park. It is not considered that this development would increase noise to an unacceptable level given the context of the site. In addition a lighting plan has been included as part of the application and is considered appropriate.

Both Mathern Community Council and Chepstow Town Council are concerned about safe pedestrian access into the site. As discussed above this is acknowledged, however a pedestrian crossing is being provided across the access road into the industrial estate and whilst this is not the most direct route this is considered appropriate when taking into consideration the constraints on and adjoining the site.

6.14 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.

6.15 Conclusion

The application is considered, on balance, to be acceptable. The delivery of the site for both industry and for services is considered to be an important contribution to the provision of jobs and business in the local area. The site has not come forward within the original plan period due to the difficulties of the engineering works required on site and the viability of the end user. The provision of a 9,000sqm industrial unit is welcomed. It is understood that the complementary retail provision in terms of the services is required in order to make the delivery of the industrial land viable.

The proposals provide sufficient information to address all the material considerations apart from the delivery of a more direct Active Travel Route for pedestrians. On balance it is considered that the harm caused by not having a shorter pedestrian route to the site is outweighed by the delivery of the industrial and complementary retail provision, securing jobs and employment to the local area.

On balance the application is therefore recommended for approval subject to the following conditions.

7.0 RECOMMENDATION: APPROVE

Subject to a S106 agreement requiring a financial contribution to be used to provide off site signage for pedestrians who may wish to access the site on foot

Conditions:

STAT TIME LIMIT

1 With regards to Parcel 1, the full application, 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.

COMPLIANCE WITH PLANS

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.

REQUIREMENTS OF RM

3 With regards to Parcel 2, the outline application, details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: The application is in outline only.

SUBMISSION OF RM

4 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act 1990.

5. GGAT

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 to 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

WG DETAILS OF EXCAVATION/RETAINING

6 1) Prior to the commencement of any works on site, full details for excavations with associated Risk Assessments / Method Statements (RAMS) in conjunction with full dimensions and calculations for the retaining structures must be provided to the Local Planning Authority (LPA). Details shall be submitted to and approved in writing by the LPA in consultation with the Welsh Government

REASON: To maintain the safety and free flow of motorway traffic.

WG RETAINING EXCAVATION

7 The retaining structures and earthwork excavation shall be laid out, constructed and maintained strictly in accordance with the approved details / RAMS prior to the construction of buildings, carparks or permanent access roads.

REASON: To maintain the safety and free flow of motorway traffic.

DRAINAGE SCHEME

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

SECTION 278 AGREEMENT

9 No development may commence until the applicant has entered into a Section 278 Agreement of the Highways Act 1980 with the Highway Authority for the construction of the approved junctions and associated footways and active travel lines together with appropriate alterations to the characteristics of the public highway to promote appropriate traffic speeds.

Reason: in the interests of highway safety.

FULL APPLICATION SITE CONDITIONS

10 DETAILS OF EARTHWORKS / MOUNDING / CONTOURING

Before any works commence on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason: To ensure the provision afforded by appropriate landscape design and Green Infrastructure LC5, DES 1 S13, and GI 1 and NE1

11 LANDSCAPE WORKS IMPLEMENTATION

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

12 **GI MANAGEMENT CONDITION**

A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.
 - a. Boundary buffers
 - b. Green corridors
 - c. Strategic landscaping and SUDs features that include soft landscaping
 - d. Ecological enhancements
- b) Opportunities for enhancement to be incorporated
 - a. Management of treed and planted boundaries for GI and biodiversity
 - b. Maintain habitat connectivity through the site for species
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty[1]year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

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

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

13 **COMPLIANCE LIGHTING PLAN**

The proposed development shall be carried out in accordance with the Lighting Design shown on drawing no D47678/LC/A. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no additional lighting or lighting fixtures shall be installed on the building or in the curtilage without the prior written agreement of the LPA

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

CEMP

14 No development, or phase of development, shall commence until a site wide or phase Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

Soil Management: details of topsoil strip, storage and amelioration for re-use.

CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

Traffic Management: details of site deliveries, plant on site, wheel wash facilities

Resource Management: details of fuel and chemical storage and containment; details

of waste generation and its management; wastewater Traffic Management: details of site deliveries, plant on site, wheel wash facilities
Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

Reason: To ensure safeguards for species of principle importance for conservation and to ensure compliance with LDP Policy NE1.

COMPLIANCE WITH BAT SURVEY

15 The development shall be carried out in strict accordance with Section 5 (Recommendations) of the approved 'Extended Phase 1 Habitat Survey and Bat Survey - Land at Newhouse Farm Industrial Estate 2021-2022, by Rachel Hacking Ecology, submitted August 2022' report.

Reason: To ensure safeguards for species of principle importance for conservation and to ensure compliance with LDP Policy NE1.

GREEN INFRASTRUCTURE PLAN

16 The drawing 'Green Infrastructure Plan' no 4859 01 by DEP Landscape Architecture Ltd, dated August 2022 which illustrates the design and location of bat and bird box provision shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the development.

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

LANDSCAPING PLAN

17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, for parcel 1 of the site. This shall include new planting around the petrol filling station.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

DETAILS OF PEDESTRIAN CROSSING

18 Prior to any development on the site, details of the pedestrian crossing over the access road to the industrial estate in the position shown on drawing number 210980 PLG 04E, Proposed Block Plan, shall be submitted to and agreed in writing with the LPA. The crossing shall be provided in accordance with those approved details prior to the commencement of the beneficial use of the roadside facility hereby approved.

REASON: To ensure safe access to the site by pedestrians in the interests of highway safety and to ensure compliance with LDP Policy MV1.

This page is intentionally left blank

Application Number: DM/2023/00063

Proposal: Conversion of barn to dwelling and installation of sewage treatment plant

Address: Proposed Barn Conversion, Gethley Road, Parkhouse, Trellech

Applicant: Ms L Prichard

Plans: All Existing Plans 01 - , All Proposed Plans 02 - , All Existing Plans 03 - , Site Plan 04 - , Design and Access Statement August 2023 - V10, Ecology Report Updated Bat surveys V1 - 22/05/20, Structural Survey Vale Consultancy - 29/06/21

RECOMMENDATION: REFUSE

Case Officer: Ms Jo Draper
Date Valid: 12.01.2023

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

1.0 APPLICATION DETAILS

1.1 Site Description

The application relates to the remains of a dilapidated stone barn which is located in open countryside, to the west of Parkhouse. The site is located within the Wye Valley Area of Outstanding Natural Beauty (AONB). The derelict structures form part of Llan Y Nant Farm which extends to 109 hectares (270 acres) plus about 60 hectares (148 acres) of rented land. The group of structures comprise a stone gable end and two returning walls that have relatively recently been constructed, a stone gable end and two returns that are in a poor state of repair, a timber structure that at one time may have been a lean to with a metal-sheeted roof and an open shed which has a corrugated asbestos roof supported on steel pillars.

The following supporting information regarding the history of the site has been submitted with this application:

Llan Y Nant Farm was one of a small number of farms developed within the bounds of Tintern Abbey's historic Trellech Grange in post-medieval times which supplied food and necessities to the abbey. According to historic research by Trysor the barn at Gethley dates back to the time when Trellech Grange formed part of the then Beaufort Estate. While its precise origins are not known, the earliest record of Gethley Barn is 1765 when the Duke of Beaufort's property in the area was recorded on a detailed estate map. Three barns are shown on this map, the largest of which is a threshing barn subject of this application. In c.1940 a string of 5 bombs are understood to have dropped hitting the barn (and a neighbouring cottage) causing one end of the barn (known as the "pine end") to lean outwards along with part of the side wall. In 1962 the Applicant's family moved to the farm and in 1964 it was decided to take down the "pine end" gable and rebuild it in concrete blockwork. In 1992 thieves stole the Welsh slates off the roof which could not be replaced due to the cost. In 2012 the "pine end" gable collapsed in high winds. In order to avoid further collapse of the structure the Applicant's father subsequently rebuilt this wall in the original stone along with part of one side wall and the opposite side wall, also in original stone. The remaining walls were steam cleaned and repointed in lime mortar. An enforcement investigation by Monmouthshire County Council for "alleged unauthorised works to demolish stone barn building" concluded in August 2012 that no planning consent was required because permission was not required for demolition.

1.2 Proposal Description

The application seeks the conversion of the stone section of the structure into a three-bedroomed dwelling. The former lean-to element would become a car port. A new sewage treatment plant would be installed. A residential curtilage would be identified within a post and wire fence and a driveway would be created.

A Design & Access Statement, a Structural Survey and a Bat Survey have been submitted in support of the application. The site is outside of any designated flood zone and is not in a Phosphate Sensitive Area.

This proposal does not differ in any form to the scheme proposed in the previous planning refusal.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/01342	Conversion of barn to dwelling and installation of sewage treatment plant	Refused	15.03.2022
DM/2023/00063	Conversion of barn to dwelling and installation of sewage treatment plant.	Pending Determination	
DC/2016/01098	Barn conversion to residential use	Refused	15.11.2016
DC/2017/00524	Proposed restoration and conversion of stone barn	Refused Appeal dismissed	25.09.2017 22.03.2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development
SD4 LDP Sustainable Drainage
MV1 LDP Proposed Developments and Highway Considerations
LC4 LDP Wye Valley AONB

Supplementary Planning Guidance

Conversion of Agricultural Buildings Design Guide SPG April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/H4-LDP-Barn-Conversion-SPG-April2015.pdf>

LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/LDP-Policy-H4-g-SPG-April-2015.pdf>

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan2013.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

Trellech United Community Council: Refuse

Council can see no reason that this would gain approval when none of the previous reasons for refusal have been answered satisfactorily.

MCC Biodiversity: Holding Objection

A report titled 'Update Bat Surveys' by AVA Ecology has been submitted to inform the application. The report details the findings of an initial Preliminary Roost Assessment inspection and two follow-up emergence surveys.

The report found no evidence of bats roosting within the structure, noting that droppings previously found onsite were no longer present. However, the surveys were undertaken over three years ago in May 2020 and are therefore no longer within the valid timeframe as specified by both CIEEM

and the Bat Conservation Trust guidance. Therefore, update surveys will be required to inform any application.

Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The submitted Existing and Proposed Site Plan by Griffiths Design details a number of features aimed at enhancing the overall site for biodiversity. These include the planting of a native hedgerow, a wildflower meadow and native trees, along with the provision of bat and bird boxes on the building. The hedgerow mixture comprises predominantly hawthorn and hazel with smaller amounts of blackthorn, holly, field maple and dogwood. The proposed wildflower meadow mixture is EM1 which is a basic, robust meadow mixture containing species such as yellow rattle and oxeye daisy. Such wildflowers will benefit a range of invertebrate species including pollinators. The Schwegler 1FF Bat Box and bird box specifications are deemed appropriate to be installed on the side of the building. It is noted that the text states that the boxes will be installed within the surrounding trees which does not conform with the drawing. It should be noted that sparrow terraces should not be installed onto trees. It is agreed that the proposals will provide an overall enhancement of the site for biodiversity, subject to updated information regarding roosting bats.

MCC Surface Water Drainage Officer : Holding objection.

On that basis we request that a Drainage Statement is provided for this scheme which would demonstrate the compliance with the points above and will maintain objection on surface water discharge basis till this is submitted. The infiltration testing results will need to be submitted to demonstrate the BRE365 compliant testing and results.

The application has not demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). Without a suitable surface water destination the site may not be lawfully developable.

MCC Public Right of Way Officer: No objection subject to conditions.

The applicant's attention should be brought to Public Bridleway 433 in the community of Trellech United which runs adjacent to the site of the proposed development (see map provided). The application fails to acknowledge or detail public rights of way crossing and adjoining the site. Welsh Office Circular 32/92 sets out the information to be supplied and validated with a planning application. It states, "All public rights of way crossing or adjoining the proposed development site should be marked on the plan to be submitted with the full planning application".

The site/location plan should be resubmitted including detail of the public rights of way crossing and adjoining the site and identifying how any adverse impacts affecting them and relating to the development will be mitigated.

Wye Valley AONB Office : Objects.

The application site lies within the Wye Valley Area of Outstanding Natural Beauty (AONB), an area designated for its outstanding national landscape. As per section 6.3.5 of Planning Policy Wales (PPW), planning authorities have a statutory duty to have regard to AONB purposes. Sections 6.3.7 and 6.3.8 of PPW confirms that within AONBs, planning authorities should give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the area. AONBs are of equal status in terms of landscape and scenic beauty, and must be afforded the highest status of protection from inappropriate developments. The Wye Valley AONB Management Plan 2021-2026 sets out the vision for the Wye Valley Area of Outstanding Natural Beauty (AONB) and the priorities for its management over a 5-year period. It is a statutory document of the relevant local authority under Section 89 of the Countryside and Rights of Way (CRoW) Act 2000. The Plan is a material consideration in the respective Local Plan of the constituent local planning authority. Whilst the general design of the proposed development seeks to replicate the pre-existing scale and footprint, in terms of the effect the development will have on the AONB, harm will be caused to both the character and appearance of this area, manifested through the contribution this building makes to the special qualities of the surrounding landscape.

The scheme will result in the encroachment of unacceptable residential development into a rural setting. The development will be set within an expansive curtilage that will be far larger than that serving nearby existing dwellings. The domestic paraphernalia and associated domestic landscaping that will be inevitable on this expansive area will contrast with the character of the surrounding rural landscape. The character of the proposed scheme will contrast with the existing rural setting, which is partly typified by the distinctive sense of place from the relationship of the woodland, pasture and settlement, which comprises Special Quality SQ12, a particular feature of the Trellech Sandstone Plateau, which is Landscape Management Zone LMZ14, as defined within the Wye Valley AONB Management Plan 2021-2026.

The development is also located on the side of a hill and will be visually prominent in the wider landscape, especially when viewed from the west. There are several public footpaths to the west of this site meaning the new dwelling will visually appear as an incongruous new dwelling in the open countryside, noting the re-building undertaken, which will be harmful to the distinctive sense of place. The alterations to the character of the land will have long term effects and its residential use would not be compatible with the overall management of the AONB. The proposal would not harmonise with the surrounding rural landscape noting that much of the soft landscaping proposed would take many decades to assimilate. It would be viewed that the magnitude may well be medium to high, the significance of effects after 15 years will likely be between a moderate to major adverse effect.

While there may be arguments for the 'quality' of the build, this does not necessarily equate to it complementing, conserving or enhancing local distinctiveness and landscape character, including scale and setting, nor that it benefits or enhances the natural environment. It is unclear what the level of light pollution will also be from the building.

We consider the application to conflict with Strategic Objectives WV-D2 and WV-D3 of the Wye Valley AONB Management Plan 2021-2026. Whilst we encourage and support high standards of design, materials, energy efficiency, drainage, landscaping and Green Infrastructure in all developments, to ensure greater sustainability and decarbonisation, development should complement, conserve and enhance the local landscape character and distinctiveness, including scale and setting, and benefit or enhance the natural environment. We consider that the proposal will not do so. One should resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB, including all associated light pollution, that will unfortunately be inevitable given the high hills and ridges with inward looking basin [SQ1], that typifies LMZ14.

5.2 Neighbour Notification

There have been no comments received to date

5.3 Other Representations

There have been no comments received to date

5.4 Local Member Representations

Councillor Richard John: Requests application to be presented to Planning Committee, in favour of application.

Councillor Jayne McKenna: No comment to make on application at this time

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

There is relevant planning history relating to this site, all of which are for a residential unit on this site. These applications have been refused.

A planning application was submitted in 2016 (Application Ref: DC/2016/01098) for "Barn conversion to residential use" which was refused on the grounds it would require a substantial amount of re-construction and in the absence of the appropriate level of ecological survey and mitigation proposals.

An application Ref: DC/2017/00524 to utilise the barn for an agricultural workers dwelling was refused and subsequently dismissed at appeal on the grounds of lack of an agricultural justification under Technical Advice Note 6 Planning for Sustainable Rural Communities (TAN6) criteria. **That appeal decision is appended to this report.**

A further planning application DM/2021/01342 for the proposed Conversion of barn to dwelling and installation of sewage treatment plan was refused on the grounds it would require a substantial amount of re-construction and would significantly adversely affect the open rural character of the area and would not conserve or enhance the natural beauty of the Wye Valley AONB.

This application relates to a new dwelling in the open countryside, outside of any development boundary. Policy S1 of the LDP states that in the open countryside the only new dwellings that may be allowed would involve the conversion of rural buildings under Policy H4 of the Plan, subdivisions and dwellings associated with rural enterprise. This application therefore falls to be considered under Policy H4 of the LDP, the conversion/rehabilitation of buildings in the open countryside for residential use.

Policy H4 states that:

The conversion / rehabilitation of a building in the open countryside for residential use will be permitted where all the given criteria are met, one of which is criterion c); this states the following:

c) rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases;

The criterion is to be applied strictly; proposals that are deemed not to comply with them will be judged against national policies relating to the erection of new dwellings in the countryside or against Policy T2 relating to the re-use and adaptation of existing buildings to provide permanent serviced or self-catering visitor accommodation. The above criterion will also be applied to proposals to extend buildings that have already been converted.

In this case the existing structure at the site has been partially rebuilt unlawfully without gaining planning consent. The applicant has submitted a plan that says approximately 30 percent of the structure has been rebuilt, including one gable end and two returning walls. A structural survey by Vale Consultancy was also submitted as part of the application. That survey divided the structure into two parts, the front gable with returns on either side; these walls have recently been repaired and are structurally sound. The second part is the rear gable that acts as a retaining element supporting approximately 1.5m of ground with a bank behind it. The vegetation in this area was overgrown and a close visual inspection of the rear wall could not be undertaken. The survey found that the rear retaining gable wall has small vertical cracks running between the internal ground level up to eaves height. There are also small cracks where the side walls meet the rear gable wall. There are areas of the wall which show signs of mortar loss and loose stonework. The timber lintel at the top of the gable wall has cracked and is not in a satisfactory condition. The return side wall on the left hand side of the rear gable wall is in need of some remedial work. There are obvious signs of rotation with the top of the panel having rotated outwards around 3 to 5 degrees, The mortar in the panel is eroding causing large areas of the stonework to be loose. Due to overgrown vegetation the base of the wall could not be inspected to assess its condition. The report concluded that the rear gable and one returning wall will have to be repaired and the cracks stitched and that the wall that is the subject of rotation will have to be supported by a stone buttress on the outside.

This application proposal is (with the exception of additional ecological enhancement that has been included) essentially the same information that was submitted with the previous application

that was refused. There is no variation in design, form or scale from the previous scheme. There has been no change in policy or material consideration that alters the assessment, conclusion and decision given in the previous refusal.

The agent has submitted the following information in support of the application, breaking down the criteria of Policy H4 and assessing each in turn.

The relevant section is Policy H4 criterion c).

c) rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases;

The agent has stated that while there was some rebuilding in 2012, this was no more than was absolutely necessary to secure the structure. The need for this repair work has its origins in WW2 bomb damage and the subsequent decline thereafter at one end of the building. The rebuilding amounted to about a third of the building and was completely faithful to the historic integrity of the building. The repair works did not change the form or size of the barn such that its simplicity and proportions have been maintained. The remainder and majority of the structure was not subject to any rebuilding or repairs other than steam cleaning and repointing. The use of natural stone and quality of the repointing have been carried out to a high quality such that with weathering there is no appreciable sign of the rebuilt sections. The barn is now in sound structural condition and does not require any further rebuilding or reconstruction, only some buttressing of one wall which is an entirely normal response in traditional buildings. Existing openings are to be utilised and some limited new openings are to be formed.

However, despite the circumstances behind the rebuilding work undertaken and the quality of the work, and the history relating to the barn's damage, this does not overcome the issue that given the extent of the existing rebuild and the amount of reconstruction work required on the remainder, there is an insufficient amount of the original structure to be considered as a conversion under LDP Policy H4. Only a small part of the original walls of the building are being retained. The proposed scheme utilises a significant amount of existing rebuild and substantial reconstruction of the remainder necessitated by the poor structural condition of the original. The vast majority of the walls would be rebuilt, repaired or infilled and a new roof structure would be required. The proposal is not a conversion but rather a new dwelling. The proposal is contrary to criterion c) of Policy H4.

Paragraph 3.6 of PPW11 says that Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. This is to protect the rural character of the area.

Policy S1 of the LDP says that new dwellings will only be permitted in the open countryside if they are for rural enterprise, subdivision or conversion under Policy H4. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise. Technical Advice Note 6: Planning for Sustainable Rural Communities Paragraph 4.3.1 outlines that, "One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence."

The applicant has supplied no evidence to support an application for a rural enterprise dwelling

It has been established above that the proposal does not comply with LDP Policy H4. There is no justification for a new dwelling in this location and the proposal is contrary to Policy S1 of the LDP. The proposal is also contrary to the National Guidance set out in PPW 11.

The principle of residential conversion of this building is thus not acceptable in this case.

6.2 Sustainability

The LDP and PPW encourage sustainable development and promote making the most efficient use of brownfield land. The location of the site is not sustainable given that the residents of the new dwelling would be reliant on a car to access all facilities. On a more positive note, the scheme would maximise the use of renewable energy with solar panels, ground source heat and rainwater harvesting.

6.2.1 Good Design

Policy DES1 of the LDP requires that the development contribute to a sense of place while its intensity is compatible with existing uses. In this case the design of the new dwelling per se is considered acceptable - it is, however, the principle of a new dwelling in this open countryside location that is contrary to policy.

6.2.3 Landscape

Policy LC1 says there is a presumption against new built development in the open countryside unless it can be justified under national planning policies and/or policies S10, RE3, RE4, RE5 RE6, T2 or T3. There is no such justification in this case. Policy LC5 of the LDP seeks the protection and enhancement of the landscape character. In this case the proposed dwelling would be located on the side of a hill and would be visually prominent in the wider landscape, especially when viewed from the west. There are several public footpaths to the west of this site. Policy LC4 of the LDP says that within the Wye Valley AONB development must be subservient to the primary purpose of conserving and enhancing the natural beauty of the area. This proposal would result in a new dwelling being located within the open countryside. The proposed residential dwelling with the associated residential curtilage, domestic paraphernalia, driveway and parking area would significantly alter the character of the area; it would establish a residential use in the open countryside which would adversely affect the open rural character of the area. The alterations to the character of the land would have long term effects and its residential use would not be compatible with the overall management of the AONB. The proposal would not harmonise with the surrounding rural landscape. The proposal is therefore contrary to the objectives of policies LC1, LC4 and LC5 of the LDP as it would cause significant harm to this protected landscape.

6.3 Historic Environment

The application does not relate to a Listed Building and is not located within a Conservation Area.

6.4 Biodiversity

With regard to ecological enhancement this differs to the previously refused scheme as this has been bolstered with the inclusion of ecological enhancement features including native species hedgerow, a wildflower meadow and native species trees. This, along with the provision of bat and bird boxes on the building, provides an overall enhancement of the site for biodiversity. The proposal delivers ecological enhancement as required by PPW11 that sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions." However, insufficient information has been provided to the planning authority to consider the 'Three Tests' under the Conservation of Habitats and Species Regulations 2017 and appropriately fulfil our wider duties under that same legislation and the Wildlife and Countryside Act 1981 & Environment (Wales) Act 2016. The bat survey work requires updating. Officers have advised on the need for further information in the form of an updated bat survey (which would lead to additional cost and delay for the applicant). This however addresses just one reason for refusal, it does not overcome the fundamental principle of the proposal which is contrary to policy and unacceptable in this case. In view of this, it is considered appropriate to present the application to Planning Committee in its current form with an ecological holding objection in place.

6.5 Impact on Amenity

There are no other residential properties in the vicinity that could be affected by this proposal. The proposal does accord with the objectives of Policy EP1 of the LDP as it does have regard to the privacy, amenity and health of the occupiers of neighbouring properties.

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. In this case the proposed dwelling will not be sited in a sustainable location, it is a long way from and defined settlements or facilities. The submitted DAS states that, "The site is not an unreasonable cycling distance from nearby villages and public transport links to more distant destinations. There is also potential to walk and cycle in the immediate locality to reduce reliance on the car". Planning officers do not agree with this statement. There are no public transport links in the area and in reality the vast majority of the journeys to and from the property will be made by car.

6.6.2 Access / Highway Safety

The site has the benefit of an existing access which is already used by the farm, the applicant maintains that this is capable of accommodating both the type and volume of cars likely to be generated by the proposed use. The traffic movements associated with the change of use will not lead to a deterioration in highway safety or capacity. There is sufficient capacity within the local road network to accommodate the traffic generated by one additional dwelling and the proposal accords with relevant planning policy in this case.

6.6.3 Parking

The adopted Monmouthshire Parking Standards require one off-street parking space per bedroom up to a maximum of three for residential properties. In this case sufficient car parking provision can be accommodated within the site and therefore the proposal accords with Policy MV1 of the LDP.

6.7 Affordable Housing

The application is being assessed as a conversion, and on this scale does not trigger the requirement for an affordable housing contribution,

6.8 Drainage

6.8.1 Foul Drainage

It is proposed that the foul drainage would discharge to a package treatment plant. No details of the treatment plant or its position have been included with the submission. Under the Conservation of Habitats and Species Regulations it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.8.2 Surface Water Drainage

A Drainage Statement is required for this scheme but has not been submitted. Infiltration testing results will need to be submitted to demonstrate BRE365 compliant testing and results. The application has not demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). Without a suitable surface water destination the site may not be lawfully developable.

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

6.6.1 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.

6.10 Conclusion

6.10.1 It is concluded that the amount of rebuild works required to create the new dwelling is substantial and unacceptable and the proposed development cannot be considered as a conversion. The application is in effect a new build dwelling in the open countryside. There is no justification to deviate from national and local planning policies which clearly outline that there is a presumption against new built development in the open countryside. The construction of the new build dwelling is not justified for the purposes of rural enterprise and is therefore contrary to the guidance within Planning Policy Wales, Technical Advice Note 6 and Policy LC1 of the LDP.

Policy LC1 of the LDP says there is a presumption against new built development in the open countryside unless it is required for rural enterprise, agriculture or tourism and even then it is subject to strict criteria. This proposal would result in a new dwelling being located within the open countryside without justification. The proposed residential dwelling, with the associated curtilage, domestic paraphernalia, driveway and parking area would significantly adversely affect the open rural character of the area. The alterations to the character of the land would have long term effects. The proposal would not conserve or enhance the Natural Beauty of the Wye Valley Area of Outstanding Natural Beauty and its residential use would not be compatible with the overall management of the AONB, contrary to the objectives of policies LC1, LC4 and LC5 of the LDP, causing significant harm to this protected landscape.

In addition, there is a lack of information regarding surface water drainage and an updated ecology report and these form separate reasons for refusal.

7.0 RECOMMENDATION: REFUSE

Reasons for Refusal:

1 The proposed development requires a substantial amount of construction and rebuilding resulting in an unjustified new build dwelling within the open countryside, contrary to national planning policy and guidance within Planning Policy Wales, Technical Advice Note 6, Policy S1 and criterion c) of Policy H4 of the adopted Monmouthshire Local Development Plan (MLDP).

2 This proposal would result in a new dwelling being located within the open countryside without justification. The proposed residential dwelling with the associated curtilage, domestic paraphernalia, driveway and parking area would significantly adversely affect the open rural character of the area. The alterations to the character of the land would have long term effects, it would not conserve or enhance the Natural Beauty of the Wye Valley Area of Outstanding Natural Beauty and its residential use would not be compatible with the overall management of the Area of Outstanding Natural Beauty. The proposal would not harmonise with the surrounding rural landscape and therefore it is contrary to the objectives of policies LC1, LC4 and LC5 of the MLDP as it would cause significant harm to this protected landscape.

3 There is insufficient information provided to demonstrate that the site is lawfully developable. A Drainage Statement which includes a suitable surface water destination for surface water discharge to demonstrate compliance is required. In the absence of this information, the proposal fails to demonstrate that it complies with Policy SD4 of the MLDP.

4 The proposal is contrary to MLDP Policy NE1 as insufficient information has been provided for the Local Planning Authority to consider the 'Three Tests' under the Conservation of Habitats and Species Regulations 2017 and appropriately fulfil our wider duties under that same legislation and the Wildlife and Countryside Act 1981 & Environment (Wales) Act 2016. (Updated Bat Surveys are required as the bat surveys submitted were undertaken in May 2020 and are not within the valid timeframe as specified by both CIEEM and the Bat Conservation Trust guidance).

This page is intentionally left blank

Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 08/02/18

Ymweliad â safle a wnaed ar 08/02/18

**gan Janine Townsley LLB (Hons)
Cyfreithiwr (Nad yw'n ymarfer)**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.03.2018

Appeal Decision

Hearing Held on 08/02/18

Site visit made on 08/02/18

**by Janine Townsley LLB (Hons) Solicitor
(Non-practising)**

an Inspector appointed by the Welsh Ministers

Date: 22.03.2018

Appeal Ref: APP/E6840/A/17/3187998

Site address: Llan y Nant Farm, Trellech Grange, NP16 6QN.

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 George Prichard against the decision of Monmouthshire County Council.
 - The application Ref DC/2017/00524, dated 2 May 2017, was refused by notice dated 25 September 2017.
 - The development proposed is restoration and conversion of stone barn in accordance with supporting documents and plans.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is situated outside of any settlement boundaries and is therefore within the open countryside for the purpose of development plan policies. Local Development Plan (LDP) strategic policy S1 states that outside settlement boundaries permission will only be allowed for certain types of new residential development, including dwellings necessary for agricultural, forestry or other appropriate rural enterprises in accordance with Technical Advice Note 6 *Planning for Sustainable Rural Communities* (TAN6). TAN 6 states that one of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. The TAN sets out the criteria to establish when a new dwelling on a new rural enterprise may be justified and sets out the criteria to be satisfied by proposals. The proposal is for an additional dwelling on an existing enterprise.
3. TAN 6 requires that applications for new rural enterprise dwellings in the open countryside should be supported by robust evidence¹ and that a rural enterprise dwelling appraisal must accompany planning applications. The appraisal should

¹ Paragraph 4.7.1

address the functional, time, financial, other dwelling and other normal planning requirements tests.

4. The Council accepts that the proposal falls within the TAN 6 definition of a rural enterprise and that the permission sought for residential use is in connection with the rural enterprise.
5. The Council has confirmed in written evidence and at the hearing that planning officers are satisfied that there is a functional need for a full time worker and that the employment is likely to remain financially sustainable. However I have not seen any detailed evidence relating to the functional and time test, nor have I seen any accounting evidence in relation to the financial test nor a business case as required by the TAN². This means I am unaware how much of the farm's income is derived from farming as opposed to other income, for example rental income. This is set out in more detail within the reasons for this decision.
6. Accordingly, the Council's concern in this case is whether the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise and if it could not, whether this proposal would meet the usual planning requirements set out in local and national policy. Therefore the main issue to be considered in this decision is:
 - Whether the proposed rural enterprise dwelling is justified with particular reference to the alternative dwelling and usual planning requirements tests set out in TAN 6 and local planning policy.

Reasons

7. The appeal site comprises a barn which consists of stone walls and no roof. This falls within a farm holding known as Llan y Nant farm of some 277 acres with a further 140 acres of grassland occupied by annual arrangement. The proposal is for an additional dwelling for the appellant's daughter who, I heard, works full time on the farm, her primary role being the day to day management of the dairy herd. I note the appellant's representations that she can no longer share the farmhouse with her parents now that she is married. At the hearing, the appellant stated that the proposed residence would provide accommodation for the appellant's daughter, her husband and her stepson.
8. The appellant's evidence is that this should not be considered to be a conversion but rather a simultaneous renovation and conversion and that the application should not be considered under the LDP conversion policies. At the hearing I asked that this be clarified in order that I could ascertain what distinction was being made. However the appellant was unable to offer any further clarification other than to assert that the proposal was not a total re-build. This does not change the position that the application was made for a rural enterprise dwelling; the Council have determined the application as such and I have determined the appeal on this basis.

The Alternative Dwelling Test

9. The Council states that the proposal does not meet the alternative dwelling test outlined within paragraph 4.11 of TAN 6 as it has not been demonstrated that the functional need of the enterprise could not be fulfilled by another building suitable for conversion at the farm or that a new build dwelling could not be constructed with the group of farm buildings.

² At paragraph 4.4.1

10. Most of the existing buildings within the farm are grouped together. Adjacent to the farmhouse are two barn conversions and a group of barns one of which is unused (and referred to within the evidence as barn B) and the others house animals. Between this group of buildings and the entrance of the farm is a bungalow.
11. I observed that the appeal barn (referred to within the evidence as barn A) is located some distance away from the other farm buildings, towards the farm boundary. Barn A itself is open to the elements, without a roof. Adjacent to barn A is another open barn, partially roofed but generally open to the elements. These are set within the contours of the land, partially built into the slope. Behind a row of trees there is just visible a highway and a small group of houses which fall just outside the farm boundaries. None of the other farm buildings are visible from barn A and due to this and the physical separation distance of approximately 0.8 of a mile, it cannot be said that that barn A relates to the other buildings. It is clearly isolated from them. This is so even if it is possible to use an off road vehicle to drive directly between it and the other farm buildings.
12. A structural appraisal has been submitted which concludes that barn A is in generally good condition and that the degree of rebuilding required would be limited. The appellant states that the proposal represents an achievable solution based on its size and the cost of works. However, due to the lack of financial information provided, it is not possible for the appellant to be able to demonstrate that the size of dwelling which the enterprise can afford to build and maintain has been assessed. Whilst I note the appellant's representations that the proposed dwelling would be affordable, this is not based on any detailed financial information relating to the farm.
13. The appellant states that it has yet to be established that Barn B is capable of conversion, however the onus is on the appellant to demonstrate that there are no other dwellings or buildings suitable for conversion which are available to meet the need³.
14. The Council's written evidence refers explicitly only to barn B as a potential alternative. Whilst I note the appellant's representations that barn B is larger and therefore would be more costly to convert, I have not seen any evidence to confirm that this would be the case, nor that it would be necessary to convert the whole structure. The only evidence submitted in relation to barn B states that it was originally intended for conversion to three rental properties and reference is made to pre-application discussions for this. I note also that the appellant states that barn B would be needed if any future expansion of the herd were to take place, however there is no evidence of when that expansion is planned, nor whether any such expansion could be facilitated by other facilities on site. The appellant has therefore failed to satisfy the alternative dwelling test in this regard.
15. There was a smaller barn shown during the site visit which the appellant confirmed is used for calves. The appellant explained that this area was an integral part of the farm and essential for animal welfare and I see no reason to doubt that. Further, from my own observations, whilst the barn had a traditional appearance from the front section, this area was limited in size and the majority of the barn was of corrugated sheeting material.
16. I am mindful of paragraph 4.11.1 of TAN 6 which states that if there are existing dwellings on the enterprise it needs to be shown why these cannot be used to meet the needs of the enterprise for a resident worker, and why labour or residential

³ TAN 6 4.11.1

arrangements cannot be re-organised to ensure that the existing accommodation meets the needs of the enterprise without the need for a further dwelling. In this particular case there are four existing dwellings on the appeal site. In addition to the farmhouse where the appellant's daughter and her family currently reside, there is a bungalow which I understand to be owned and occupied by the appellant's mother and two barn conversions which are privately rented out. One of these is a single bedroomed dwelling and the other has two bedrooms. The appellant states that these were developed as farm diversification and they are rented out, the income from which makes up a significant proportion of the overall farm income.

17. Without any financial evidence, I am unable to ascertain how much of the farm income derives from these rental properties as opposed to farming income which would be used to justify an additional dwelling. Likewise, without evidence relating to these properties it is not possible to determine that these should not be taken into account as a potential alternative for the needs of the enterprise. This too is a factor which leads me to conclude that the alternative dwelling test has not been satisfied in this case.
18. I heard that the Council do not expect the appellant to produce evidence of alternative properties which may be available to buy or rent in the locality due to the isolated location of the farm. This, I am told, means that no other properties would be reasonably accessible. I see no reason to question this position. This, however, does not alter my overall conclusion that the appellant has failed to satisfy the alternative dwelling test.
19. The Council also states in evidence that a new build would be preferable to the appeal proposals but the appellant asserts that this is not anticipated by the TAN 6 guidance. The Welsh Government Practice Guidance to TAN 6 provides clarity on this issue and states that a new build dwelling should only be considered where it has been demonstrated that no reasonable alternative is available. For the above reasons, I have concluded that this does not apply in this case.

The Usual Planning Requirements Test

20. I have already concluded that the proposal fails the alternative dwelling test, however, even had the evidence in support of the proposal satisfied this requirement, TAN 6⁴ states that proposals should also satisfy the usual planning requirements in terms of design, sustainability and access and that the siting of the proposed dwelling should relate closely to the activities for which there is a need; "In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation".
21. The appellant states that there has been a structure at the appeal site for many years and that it is an established part of the landscape. This is not disputed. Against this background, the Council has not set out in any detail why it is felt the proposal would have an unacceptable impact on the landscape and when asked to elaborate at the hearing no detailed reasons were forthcoming. Notwithstanding this, I have already found that the proposal fails to meet the alternative dwelling test set out in TAN 6 and in this regard, the proposal fails to comply with policy S1 of the LDP.
22. Without that agricultural justification, the proposed dwelling constitutes unjustified new development in the open countryside that is not grouped with existing buildings

⁴ At paragraph 4.12.1

contrary to policies S1 and LC1 of the LDP. Accordingly, I conclude that the usual planning requirements test has not been satisfied.

Conclusion

23. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.
24. For the aforementioned reasons, and taking into account all matters raised, I conclude the appeal should be dismissed.

Janine Townsley

Inspector

DOCUMENTS

- 1 Letter of Notification of Appeal

APPEARANCES

FOR THE APPELLANT:

Robert Fox Fox Rural

George Prichard

Laura Kitson

FOR THE LOCAL PLANNING AUTHORITY:

Craig O'Connor Monmouthshire County Council

INTERESTED PERSONS:

Cllr Ruth Edwards

Application Number: DM/2023/00939

Proposal: Change of use from residential to Mixed use - Residential/Childminder

Address: 75 St Lawrence Park, Chepstow, NP16 6DQ

Applicant: Jane Wilson

Plans: Existing Floor & Site Location & Site Plan, Little Hoots Weekly Schedule covering letter and supporting evidence, Pick up and Drop off Parking Policy, Noise Management Policy

RECOMMENDATION: Approve

Case Officer: Mr Adam Foote

Date Valid: 04.07.2023

This application is presented to Planning Committee due to the number of objections received from the public consultation

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a detached two-storey dwelling located on a purpose built, no through residential development. The site is located within the settlement boundary for Chepstow as shown on the proposals map of the Monmouthshire Local Development Plan (LDP) and is within a residential area.

1.2 Background

Planning consent has recently been granted for the "Conversion of garage and linking to main residence to form additional accommodation" under application ref: DM/2023/00302. During the course of the previous application various public representations were received alleging that a child minding business was operating from the site without planning consent prompting a planning enforcement investigation ref: E23/170. The enforcement investigation concluded that the use operating from the site formed a material change of use from a single dwelling to a mixed use. Therefore, this application has been submitted to regularise the use of the site. The use has operated from site for about six years.

1.3 Proposal Description

This application seeks a change of use of the land from solely residential to a mixed residential/childminding use. The site currently has two members of staff (one being the owner/resident of No 75) and provides care for six children, sometimes more during school holidays/exceptional circumstances. The service is registered as a childcare provider and licensed for up to ten children.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
------------------	-------------	----------	---------------

DM/2023/00302	Conversion of garage and linking to main residence to form additional accommodation.	Approved	12.07.2023
DC/2012/00846	Proposed single storey rear extension and front entrance porch.	Approved	30.11.2012
M09686	Single Storey Rear Extension To Extend Kitchen	Approved	25.03.2004

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
GI1 LDP Green Infrastructure
LC5 LDP Protection and Enhancement of Landscape Character
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040
Planning Policy Wales (PPW) Edition 11
Technical advice note (TAN) 11: noise
Technical advice note (TAN) 18: transport

5.0 REPRESENTATIONS

5.1 Consultation Replies

Chepstow Town Council: recommends refusal due to parking issues, detrimental impact upon amenity and privacy of neighbours due to noise nuisance.

MCC Environmental Health: No objection.

MCC Licensing: No reply.

MCC Highways: No objection, concerns relating to parking provision.

5.2 Neighbour Notification

This application was advertised by means of a direct neighbour notification and a site notice. A number of representations have been received in both support and opposition. The main points are summarised as:

Support; great need for childminding services, essential/invaluable service, allows parents to work, community asset, there is significant provision in place to minimise disruption and other comments supporting the business and owners personally.

Objection; noise and disruption, general disturbance, traffic generation and impacts on highway safety, impacts upon property values, restrictive covenant within title deeds, not an appropriate use within the setting, would set a precedent for business use, concerns over signage, safety concerns relating to the use in conjunction with building works generated by a recent planning approval, concerns over the occupiers not having a safe route of exit in case of emergency, safety concerns over relating to the occupiers having dogs and this not being acceptable in a child care setting, negative impacts upon the living conditions and mental health of neighbouring residents, detraction from the enjoyment of local residents homes, added pollution, concerns over potential expansion of business.

5.3 Local Member Representations

None.

Cabinet Member for Education: Comments in support of the application; I am writing in my role as Cabinet Member for Education in Monmouthshire and following advice I have received from my Early Years Manager regarding this childcare application. Monmouthshire has targets to increase the number of its childminders. In recent years numbers have declined and we have a statutory duty under the Childcare Act to ensure that there are sufficient numbers. A neighbour, in objecting to this application, has alleged that this provision is an illegal nursery, but my Early Years Manager assures me that she is aware of this facility and that this is not the case. Everything is above board and in line with the National Minimum Standards for Childcare.

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

The application site is located within the defined settlement boundary for Chepstow where there is a presumption in favour of development and the efficient use of land is encouraged. Childminding services are needed within the County and by their nature are typically located in residential properties usually operated by the home owner. It is well established through case law that childminding can occur in a residential dwelling without triggering a change of use on the basis that the operation is *ancillary to the primary function of the dwellinghouse* and taking into consideration of the impact of the use on the local area and neighbouring residents. The scale of the proposed childminding use and the change to the existing dwelling to accommodate the mixed use, is considered on balance to form a material change of use in this case.

LDP Policy S5 (Community and Recreation Facilities) is relevant to the assessment of this application. S5 states; *“Development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations. Development proposals that result in the unjustified loss of community and recreation facilities will not be permitted”*.

A number of objections received from the public consultation referenced covenants in the title deeds of the property. This falls outside the remit of the Town and Country Planning Act and is not an 'in principle' issue that would result in the refusal of this application and thus this matter has been given no weight in the assessment of this application.

Given the aforementioned points, no objection is raised to the principle of the proposed development in this location.

6.2 Sustainability

The application site is located within the settlement boundary and is accessible via sustainable and public modes of transport - therefore no objection is raised to the proposed development. It is acknowledged that a number of existing and future users would travel to/from the site by private motor vehicle however, given the sustainable location it is possible for service users to travel to/from site by public and sustainable modes of transport. Both local and national planning policies provide a basis of support for the inclusion of community facilities within areas easily accessible to users via various modes of transport.

6.3 Biodiversity/Green Infrastructure

Policies GI1 and NE1 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated. Such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. The applicant has commented that there are the following biodiversity enhancement features: a small pond, a bird box, bird feeders, a bird table and bug boxes that have been installed for the childminding setting. There are also some butterfly and insect friendly plants the children have planted. Thus, this duty is considered to have been satisfied.

6.4 Impact on Amenity

The proposed change of use is considered to impact upon the living conditions of neighbouring occupiers primarily in respect of traffic generation to/from site and in respect of noise and disturbance generated from the site. Highway safety and parking provision will be covered in greater detail in a separate section of this report. However, in respect of its impact upon the living conditions of neighbouring occupiers it is not considered that the proposed use in conjunction with the details/policies submitted by the applicant would result in any unacceptable impact upon the living conditions of neighbouring occupiers. It is not considered that the use would generate an excessive level of trips to/from site that would be unacceptably harmful to residents' amenity/living conditions.

In respect of noise/disturbance, the applicant has provided details of how this is dealt with in order to minimise the impact. This application has been considered by the Council's Environmental Health Officer who raises no objection to the application. The use has been operating from site for a number of years without complaints being received to the Local Planning Authority and based on the number of children cared for at the site it is not expected that it would result in any unacceptable impact. Based on the use and given the supporting information provided there is no justification for further details or surveys to support this application.

It is considered that the proposed development is acceptable in respect of its impact upon the living conditions of neighbouring occupiers and would not result in any unacceptable impact that would warrant the refusal of this application. It is considered necessary to attach a condition to any planning consent limiting the number of children being cared for and the number of staff on site to ensure the use does not result in an unacceptable impact. In relation to hours of operation, the use by its nature is not considered to generate significant impact during anti-social hours, and therefore it is not considered necessary to attach a condition limiting the use in this respect.

6.5 Highways

The development is expected to generate trips to/from site and therefore will impact upon parking provision and highway safety. There are no parking restrictions within the St Lawrence Park development and so on-street parking can lawfully occur regardless of the use of properties. The applicant has submitted details in respect of their parking and pick up/drop off policies which aim

to minimise the impact of the proposed development. This application has been considered by the Council's Highways Department who raise no objection in respect of highway safety or the impact of the proposal upon the capacity of the local highway network. Concern is raised in respect of on-site parking provision but given the sustainable location of the site it is considered that any impact would not be of an unacceptable level and accords with the requirements of national planning policies as listed below.

PPW11

4.1.50 "Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed".

4.1.52 "Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places".

Future Wales

Policy 12 page 83 "Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time".

Policy 12 Page 86 "Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport".

Policy 12 Page 87 "Whilst we do not know what the future holds, the location and design of car parking should enable conversion to other uses over time".

Given the above it has not been possible to identify any unacceptable level of harm arising from the proposed development in respect of highway safety or parking provision.

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

Some points raised via the public consultation process such as the restrictive covenant within the title deeds, highway safety/parking and the impact upon the living conditions of neighbouring occupiers have been covered within earlier sections of this report and deemed to be acceptable. The remaining main points are covered below:

Impact upon property value - this is not a material consideration in the assessment of a planning application and therefore has been given no weight in the assessment of the application.

Sets a precedent for business use - it is not considered that any precedent would be set by granting consent for this proposal. Each case is considered on its planning merits.

Concerns relating to signage - no signage is currently in situ and this application does not seek consent for signage.

Safety concerns relating to building works and the owners having dogs - this matter falls outside the remit of the Town and Country Planning Act and is controlled under separate legislation and therefore would not form a basis of refusal.

Impacts upon mental health of nearby residents - the scale and intensity of the use is considered to be minor, and the impact of the use is not considered to have an unacceptable impact upon the living conditions of neighbouring occupiers.

Pollution impacts - the scale and intensity of the use is considered to be minor; it is not considered that there would be any unacceptable impact in terms of pollution in the area generated from the use or from the limited scale of journeys to/from the site.

Concern over potential expansion of the business - this can be controlled via a condition attached to any grant of planning consent.

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

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

6.8 Conclusion

The application seeks consent to regularise the mixed use of the premises. The use is considered to be acceptable within this location and provides a much needed community service. Due to the scale and intensity of the use it is not considered that there would be any unacceptable impact upon the living conditions of neighbouring occupiers. The Council's Highways Department have raised no objection in respect of highway safety and the Council's Environmental Health Officer has not objected on the basis of noise and disturbance to neighbouring residents. Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

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 development hereby approved shall not operate with more than 2 members of staff or more than 10 looked after children at any given time.

REASON: In the interests of highway safety in accordance with LDP Policy MV1 and to ensure there is no unacceptable impact upon the living conditions of neighbouring occupiers in accordance with LDP Policy EP1.

Appeals Received 01.04.2023 – 30.06.2023

Reference Number	Appeal Site Address	Description of Development	Reason for Appeal	Appeal Type	Date Lodged
E22/210	Vern Cottage 16 Castle Parade Usk NP15 1AA	Appeal against Enforcement Notice	Enforcement Notice - Operational Development	Written Representations	2-Apr-23
DM/2021/00908	Smithy Cottage B4347 The Garth To The Boot Crossway Newcastle Monmouthshire NP25 5NW	Retrospective application for change of use from agricultural land to garden and retention of levelled area in situ.	Appeal against Conditions Imposed	Written Representations	19-Jun-23

This page is intentionally left blank