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County Hall
Rhadyr
Usk
NP15 1GA

Friday, 26 May 2017

Notice of meeting:

Planning Committee

Tuesday, 6th June, 2017 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

Item No	Item	Pages
1.	Election of Chair.	
2.	Appointment of Vice-Chair.	
3.	Apologies for Absence.	
4.	Declarations of Interest.	
5.	To confirm for accuracy the minutes of the previous meeting.	1 - 10
6.	To consider the following Planning Application reports from the Chief Officer - Enterprise.	
6.1.	APPLICATION DC/2008/00723 - CONVERSION OF PRE-1700 BUILDING INTO 23 APARTMENTS, DEMOLITION OF POST 1900 STRUCTURES AND BUILDING OF 31 NEW APARTMENTS. TROY HOUSE, MITCHELL TROY, MONMOUTH, NP25 4HX.	11 - 20
6.2.	APPLICATION DC/2015/00095 - RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ROADS, DRAINAGE ETC. IFTON MANOR FARM, CHESTNUT DRIVE, ROGIET, CALDICOT NP26 3TH.	21 - 36
6.3.	APPLICATION DC/2015/00767 - RETENTION AND COMPLETION OF A NEW MEDICAL OFFICE. SITE OF THE FORMER PUBLIC TOILETS, TINTERN.	37 - 44
6.4.	APPLICATION DC/2016/00883 - MASTER PLANNED DEVELOPMENT OF 13.8 HECTARES OF LAND FOR RESIDENTIAL USE AND EMPLOYMENT USE; UP TO 266 PROPOSED RESIDENTIAL UNITS AND APPROXIMATELY 5575 SQUARE METRES of B1 FLOOR SPACE. ROCKFIELD FARM, UNDY, NP26 3EL.	45 - 88

6.5.	APPLICATION DC/2016/01478 - DEMOLITION OF EXISTING ATTACHED GARAGE AND THE CONSTRUCTION OF A NEW BUNGALOW IN THE REAR GARDEN. 78 HEREFORD ROAD, MONMOUTH, NP25 3HJ.	89 - 98
6.6.	APPLICATION DC/2017/000164 - TO EXTEND THE PERIOD OF PLANNING PERMISSION DC/2010/00993 (APPROVED ON 7th MARCH 2012 BY MCC). GREEN DRAGON PARTNERSHIP, ST. THOMAS SQUARE, MONMOUTH NP25 5ES.	99 - 104
6.7.	APPLICATION DC/2017/00401 - REMOVE, DISPOSE AND REPLACE PRE-EXISTING TIMBER STRUCTURE ON A LIKE FOR LIKE BASIS. CHANGE OF USE TO LAND OUTLINED IN GREEN MARKED ON PLANS. LAND PREVIOUSLY USED FOR BOWLING GREEN TO CAMPING ONLY. THE GLASCOED PUB, MONKSWOOD.	105 - 110
6.8.	APPLICATION DC/2017/00453 - CHANGE OF USE FROM A1/A3 MIXED USE TO FULL A3 USE AS A TAKEAWAY OPERATING 7 DAYS A WEEK UNTIL 11PM. 1 THE BARTON, AGINCOURT SQUARE, MONMOUTH, NP25 3BT.	111 - 118
7.	Appeal Decision: Conversion with alterations and extensions to former gallery to provide two dwellings. The Old Smithy, 34 Maryport Street, Usk, Monmouthshire, NP15 1AE.	119 - 122

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

J. Becker
D. Blakebrough
L. Brown
P. Clarke
A. Davies
D. Dovey
R. Edwards
D. Evans
M. Feakins
R. Harris
R.J. Higginson
G. Howard
P. Murphy
M. Powell
A. Webb
Vacancy – Independent Group

Public Information

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

Access to paper copies of agendas and reports

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

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

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

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

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

People Are Confident, Capable and Involved

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

Our County Thrives

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

Our priorities

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

Our Values

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

Purpose

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

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

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

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

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

Decision-making

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

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

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

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

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

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

Main policy context

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

Policy EP1 - Amenity and Environmental Protection

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

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

Policy DES1 – General Design Considerations

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

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

spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

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

Supplementary Planning Guidance (SPG):

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

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

National Planning Policy

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

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

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

Other matters

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

Planning (Wales) Act 2015

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

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

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

Environmental Impact Assessment Regulations 2016

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

Conservation of Species & Habitat Regulations 2010

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

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

Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

Crime and Disorder Act 1998

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

Equality Act 2010

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

Children and Families (Wales) Measure

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

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

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

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

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

Applicants

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

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

Procedure at the Planning Committee Meeting

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

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

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

Public Document Pack Agenda Item 5

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 25th April, 2017 at 2.00 pm**

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

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

ALSO IN ATTENDANCE: County Councillors P.A.D. Hobson and
P. Farley

OFFICERS IN ATTENDANCE:

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Paula Clarke	Development Management Area Team Manager
Mark Davies	Highway Development Manager
Andrew Jones	Senior Development Management Officer
Paula Harris	Democratic Services Officer

The Chair took the opportunity to give thanks to Members and Officers for the help and support given during the last five years and spoke of the challenging decisions the committee have made during this term. The Chair spoke of the introduction of public speaking, the benefit of pre application advice and the introduction of live streaming.

Thanks was given to members of the Delegation Panel County Councillor Roger Harris and County Councillor Peter Clarke who meet on a weekly basis speaking to applicants and objectors.

The entire Planning team of officers was thanked, headed up by Mark Hand, for their diligent work and attention to detail.

The Chair thanked the sixteen Planning Committee Members for their attention to detail and their excellent attendance.

The Chair gave emphatic thanks to Richard Williams, the committee's regular Democratic Services Officer for all his hard work and organisation before, during and after each meeting.

Finally thanks were given to Robert Tranter, the officer responsible for legal advice, County Councillor Peter Clarke as Vice Chair and County Councillor Roger Harris as spokesperson of the opposition.

1. Apologies

County Councillors: D. Dovey, D. Evans, P. Murphy and P. Watts.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 25th April, 2017 at 2.00 pm**

2. Declarations of Interest

None received.

3. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 4th April 2017 were confirmed and signed by the Chair with one amendment from County Councillor B. Strong.

County Councillor ask that in regard to the Maryport Decision on page 11, bullet point 7 the Councillor had stated 'if the application is agreed today it would give the inspector of the enquiry permission to agree to the two dwellings'. The Councillor also commented that he had previously asked for the item to be deferred until the appeal had been considered by the inspector. County Councillor asked that the minutes reflect this.

4. Application DC/2016/00041 - The Proposal Seeks To Provide A Carpark, Alongside Wyebridge Street, With Capacity For 39 Spaces; The Site Is Currently A Greenfield Area Wyebridge Street, Monmouth, NP25 3DL

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

Mr. D. Cummings, speaking in support of the application, attended the meeting by invitation of the Chair and outlined the following points:

- There has been lobbying carried out for a carpark at this location since the mid 1980's.
- The Chamber was sympathetic to residents of Granville Street because in the original plan, prior to 2016, the proposed entrance and exit, would have been via this narrow road.
- An alternative entrance was proposed on land owned by Monmouthshire Housing Association on St James Street, however this was not viable.
- After checking with air quality experts regarding the number of movements at the new carpark they state that the effects are so low that they are not measureable.
- Having an entrance only accessible from the A40 is not ideal as it cannot be accessed from the town.
- The Chamber is pleased that the appropriate lighting has been factored into the application.
- It is hoped the carpark will be completed by the 1st September 2017.

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

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- The carpark is a long time coming and although it does get wet at the bottom end of the carpark when the flood defences come into operation there are no other problems there.
- He stated he is not happy with the entrance coming off Wyebridge Street.
- The Member hoped that at the exit of the carpark there would be sufficient signage to stop cars turning left back onto the dual carriageway.

In noting the detail of the application, some Members expressed the following points in regard to the application:

- Low level lighting would be preferable.
- Disappointment that the capacity of the carpark will be 39 as opposed to the original application which had 60 spaces.
- Although this will help the parking issues, more spaces are needed.

Having considered the report of the application and the views expressed, it was proposed by County Councillor A. Wintle and seconded by County Councillor B. Haywood that application DC/2016/00041 be approved subject to the eight conditions, as outlined in the report.

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

For approval - 11

Against approval – 1

The proposition was carried.

We resolved that application DC/2016/00041 be approved subject to the eight conditions, as outlined in the report.

5. Application DC/2016/01310 - Change Of Use Of Land To Provide Six Trailer Tents For Tourism Use, Provision Of Grass-Crete Car Park Area And Alterations To The Existing Field Access Land At Llanfair Kilgeddin, Nr Abergavenny, NP7 9DY

We considered the report of the application and late correspondence, which was recommended for approval subject to the 15 conditions, as outlined in the report.

Councillor G. Thomas, representing Llanover Community Council, attended the meeting by invitation of the Chair and outlined the following points:

- It was felt that this application was premature as two documents are in the process of being provided.

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- Firstly, a Welsh Assembly funded appraisal of the potential and risks of flooding in the village and secondly a draft supplementary planning guide to glamping.
- Whilst it was accepted that tourism is essential to Monmouthshire, there is no statistical evidence at present to suggest the need for an additional glamping site in the County.
- The dimensions of the trailer tent was given as being larger than a ten berth static caravan.
- During certain months, due to the deciduous trees surrounding the site the trailer tents will be visible to surrounding properties.
- It was asked that this application is deferred.

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

- Extensive research was carried out which showed a growing demand in Monmouthshire for all year round, high value, sustainable tourism.
- The tourists visiting the site would spend money in local businesses including the farm shop, the Foxhunter Public House and the Hummingbird café in Llanover.
- The applicant lives locally to maintain the site and intends to source all suppliers locally
- A planning consultant was employed by the applicant to ensure the application meets all the current planning policies and input was sought from County Councillor Sara Jones, Assembly Member Nick Ramsey and local residents to develop and refine this application.
- The site is not inside Welsh Water or the County Council's flood risk area.
- Monmouthshire County Council's Highway Department commented that it would enhance the safety of vehicles using the adjacent County class III highway.
- Extensive planting will take place on the land including a heritage orchard and many areas of flower meadows.
- Work has been undertaken with the nearest neighbour with plans to remove fences to allow access to the footpath to Nantyerry.
- During the two month closed period the tents will be removed from the land for waterproofing, the agricultural trailers being moved to the grasscrete area.
- Work is being undertaken with Wildlife Trust and the Monmouthshire Meadows Conservation Group to enhance native plants and wildlife habitats.

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In noting the detail of the application, some Members expressed the following points in regard to the application:

- Clarification was sought on the size of the carpark and we were advised by officers that it totals 1000 square metres. A condition is proposed in relation to this.
- Lighting provision was questioned and an officer told us that there is no lighting proposed at the request of Monmouthshire County Council's ecology officers.
- The seasonal operating period-of the site was questioned as being excessive.
- Officers felt that tourism is an all year round activity.
- When asked if the trailer tents would have electricity we were advised that they would.
- The nearest residential property is 65 metres away on the opposite side of the carriageway.
- Sustainable tourism is essential to the County's economy.
- A question was raised regarding the flood report and we were told that the site sits 0.3 miles outside of any flood zones and no non-porous surfaces were proposed on site. A condition is proposed relating to drainage details.

Having considered the report of the application and the views expressed, it was proposed by County Councillor R. Chapman and seconded by County Councillor R. Harris that application DC/2016/01310 be approved subject to the fifteen conditions, as outlined in the report.

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

For approval - 10
Abstentions – 2

The proposition was carried.

We resolved that application DC/2016/01310 be approved subject to the fifteen conditions, as outlined in the report. Add lighting condition in late correspondence

Application DC/2014/01290 - Redevelopment Of The Site To Create A New Neighbourhood Including: A Range Of New Homes (Apartments, Houses And Some Sheltered Accommodation For The Elderly - Use Classes C2 And C3); New Offices And Workshops (Use Class B1); New Commercial Leisure Facilities (Use Classes A1 And A3); The Retention And Flexible Change Of Use Of Brunel House To Commercial, Residential And / Or Community Uses (Use Class A1, A3, B1, C2, D1 And D2); A Network Of Open Spaces Including A New Riverside Linear Park, Footpaths, Public Open Space And Areas

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For Informal Recreation; Highways Infrastructure Including Accesses And Paths; And Requiring: Site Clearance And Demolition Works, Treatment And Preparation, The Installation Of New Services And Infrastructure, The Creation Of New Treatment/Amenity Wetlands And Drainage Channels, Ecological Mitigation And Enhancement Works (Including Improvements To The Beaufort Quarry) And Improvements / Works To The Highways Network And Other Ancillary works and activities, Mabley Bridge, Station, Chepstow

We considered the report of the application and late correspondence, which was recommended for approval subject to conditions, as outlined in the report (and as amended in late correspondence) and subject to a Section 106 Agreement and a Section 278 Agreement, as also outlined in the report.

Councillor D. Rooke, representing Chepstow Town Council, attended the meeting by invitation of the Chair and outlined the following points:

- Chepstow Town Council recommend approval of this application with reservations, mainly the traffic analysis and flooding risks.
- Capacity of A48 needs to be considered with focus on key times of the day.
- Disappointment voiced at the level of social housing this development offers.
- Hope that the County Council ensures that social housing is spread across the site.
- Look to a long term solution to the traffic issue by communicating with the neighbouring authority Gloucestershire County Council.

A local resident Jez Becker, attended the meeting by invitation of the Chair and outlined the following points:

- Concerns for the extra traffic proposals.
- Positivity for the development as it captures the historical nature of the site.
- Disappointment at the low level of affordable housing.

The local Member, attended the meeting by invitation of the Chair and outlined the following points:

- Praise for the way the development has been approached and the evidence of cross border thinking.
- Concern for the amount of affordable housing offered by the development.
- The need for affordable housing for existing residents.

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Cabinet Member for Social Housing, County Councillor Phyl Hobson, attended the meeting by invitation of the Chair and outlined the following points:

- Disappointed by the low affordable housing figures.
- Affordable housing opportunities by developing the offered 1.5 acres of land. Accessing Welsh Government grant funding and working with two housing associations.
- Young working families unable to get onto the housing ladder due to the high property prices.
- If land values increase after the lowering of the Severn Bridge tolls it was asked if we could revisit the price offered by the developer.
- Requested that the S106 be worded to keep options open to allow the 1.5 acres of land to be developed in innovative ways for affordable housing as being promoted by the Welsh Government.

The agent for the development Tim Gent, attended the meeting by invitation of the Chair and outlined the following points:

The wish for a high quality, sustainable development for one of Monmouthshire's largest brown field site.

The development being a major economic boost for Monmouthshire.

In noting the detail of the application, some Members expressed the following points in regard to the application:

- Members were unanimous in voicing their disappointment at the low level of affordable housing provision.
- A Member asked that the district valuer's viability appraisal for the land could be revisited if land or property prices increase.

Having considered the report of the application and the views expressed, it was proposed by County Councillor J. Higginson and seconded by County Councillor M. Powell that application DC/2014/01290 be approved subject to the forty-three conditions, as outlined in the report.

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

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For approval - 11

Against approval - 1

The proposition was carried.

We resolved that application DC/2014/01290 be approved subject to the amended conditions in late correspondence and the S106 and S278, with delegated authority for the Head of Planning to conclude if condition 11 is needed, but also subject to the Head of Planning first trying to negotiate more housing land for affordable housing. There is agreement from Committee to report back on that to the Delegation Panel. There was need for a 'Design Code' condition to be added too - to ensure the continuity of design throughout the development site, as discussed with Members

County Councillor M. Powell left the meeting following determination of application DC/2014/01290 and did not return.

7. Application DC/2016/01206 - Construction Of A New Garden Storage Building In Association With Upper Llananant, Penallt Including Change Of Use Of Woodland To Be Included Within The Garden Curtilage. Upper Llananant Farm, Pentwyn Lane, Penallt, NP25 4AP

We considered the report of the application and late correspondence, which was presented for refusal subject to the one reason, as outlined in the report.

This application had been deferred at the Planning Committee Meeting on 4th April 2017, as Members had been minded to refuse the application and had agreed that it be re-presented to a future Planning Committee Meeting with an appropriate reason for refusal.

An amended plan was put before Members reducing the size of the proposed outbuilding but Members considered the amended proposal to be still too large and resolved to refuse the application for the reason given in the report

The local Member, also a Planning Committee Member, made the following points:

- The storage building is too big for domestic use.
- It was asked that any future amendments go back to the Community Council to review.

Having considered the report of the application and the views expressed, it was proposed by County Councillor D. Blakebrough and seconded by County Councillor A. Webb that application DC/2016/01206 be refused subject to the one reason as outlined in the report - amended (smaller) scheme refused.

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

For refusal - 11

For approval - 1

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The proposition was refused.

We resolved that application DC/2016/01206 be refused as per the six reasons, as outlined in the report - amended (smaller) scheme refused.

8. Planning Appeals received between 25/2/2017 and 11/4/2017

We received and noted the appeals received.

The meeting ended at 4.17 pm

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DC/2008/00723

CONVERSION OF PRE-1700 BUILDING INTO 23 APARTMENTS, DEMOLITION OF POST 1900 STRUCTURES AND BUILDING OF 31 NEW APARTMENTS

TROY HOUSE, MITCHELL TROY, MONMOUTH, NP25 4HX

RECOMMENDATION: Refuse

Case Officer: Craig O'Connor

Date Registered: 12/12/2008

1.0 APPLICATION DETAILS

- 1.1 Troy House is a 17th Century grade II* listed building that is located to the south east of Monmouth in the open countryside. It is a large traditional house that has four levels. The house has been altered over time and there has been a succession of additional buildings erected at the site as a result of the building having several different uses. The building is now in disrepair and the significant heritage asset is deteriorating. The site is sensitively located within an Historic Park and Garden and within the Wye Valley Area of Outstanding Natural Beauty. It is a particularly sensitive site given the heritage importance of the site and various other constraints including archaeology, mature trees that are subject to tree preservation orders and as the site lies within flood zone C2 (undefended flood plain).
- 1.2 The proposals are to convert Troy House for residential use to form luxury apartments. The application also includes enabling new build development in the form of two wings to the east and west of Troy House. Troy House would be converted into 23 apartments and there would be 31 new apartments in the new build elements of the proposals. The east wing would have a footprint measuring approximately 550m² and the west wing would have a footprint measuring approximately 722m². The new build wings would have two sections, one three storeys high and the other four storeys high. At their highest points the wings would measure approximately 12.6m high. The proposals also include the creation of parking areas, vehicle access improvements and landscaping. The submitted plans outline the details of the submission and there is a concurrent Listed Building Consent for the proposals (DC/2008/00724).

2.0 RELEVANT PLANNING HISTORY

DC/2008/00724 Concurrent Listed Building Consent Conversion of pre 1700 building into 23 apartments, demolition of post 1900 structures and building of 31 new apartments.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S2 Housing provision

- S4 Affordable housing provision
- S12 Efficient resource use and flood risk
- S13 Landscape, Green Infrastructure and the natural environment
- S16 Transport
- S17 Place making and design

Development Management Policies

- H4 Conversion of redundant buildings to residential use
- H9 Flat conversions
- SD3 Flood Risk
- LC1 New built development in the open countryside
- LC4 Wye Valley Area of Outstanding Natural Beauty
- NE1 Nature Conservation and development
- EP1 Amenity and environmental protection
- MV1 Proposed development and highway safety
- DES1 General design considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Mitchel Troy Community Council – Recommend that the application be approved although it outlines concerns with traffic, the lack of affordable housing in the scheme and lack of pedestrian links.

Natural Resources Wales – Formally object to the proposals. Our predecessor organisations CCW and EAW both previously objected to this application in their letters of 5 February 2009, and 13 January 2009 respectively. The objections were due to a lack of information in respect of flood risk management and European Protected Species. CCW also recommended that an appropriate assessment be undertaken with regards to the potential for impacts on the Wye Valley and Forest of Dean Bat Sites Special Area of Conservation (SAC). We acknowledge that a Flood Consequences Assessment (FCA), produced by NJP Consulting, and an Interim Bat Survey, by IES consulting dated December 2015 have now been submitted. However, they are insufficient to enable us to remove our objections. We also have significant concerns in relation to the potential effects on the Wye Valley AONB and the Lower Wye Landscape of Outstanding Historic Interest.

Dwr Cymru Welsh Water – No objection to the proposal as a private drainage network is proposed.

Cadw – The proposals to renovate the house are supported, however the development would cause significant harm to the integrity of the character of the Grade II* registered historic garden and therefore the site as a whole. The proposals would materially harm the heritage values of the place and adversely affect its setting.

Gwent Wildlife Trust – Holding objection as bats may be negatively affected by the development.

Glamorgan Gwent Archaeological Trust – It is recommended that an archaeological evaluation of the site is conducted prior to the determination of the application.

MCC Highways Officer – Further information is required to fully assess the impact on the development on the highway network. We are dissatisfied they have not considered our original highway comments and submitted the requisite information for our consideration. Unless the applicant submits this information we would have no option but to recommend refusal on the grounds of lack of information.

Tree Officer - Until all trees within, and immediately adjacent to, the boundary of the application site are fully considered within a full Tree Survey in accordance with BS 5837:2012 *Trees in relation to Design, Demolition and Construction* Recommendations, I have no alternative but to recommend refusal.

MCC Heritage – The principle of the conversion of the building is considered to have sufficient justification. The highly graded building, with significant important historic fabric, is progressively deteriorating which will, if no action is taken, result in the permanent detrimental loss of historic fabric which is irreplaceable. The proposal to convert the building into flats from a heritage perspective, is a suitable use. However, the details of the proposals raise concerns, in particular the alterations to the internal arrangements of the building to accommodate all 23 apartments. This involves the loss of a number of staircases of historical and architectural value, together with the loss of panelling, doors and architraves in the most sensitive parts of the building. Whilst it is understood that changes to the building are inevitable in order to accommodate such sub-division, it is considered that there are alternative means of achieving the level of accommodation required by changing the floor plans. As a result, it is considered that the current proposals would have an adverse impact on the special character of the building, the very asset to which the proposals are intended to rescue. It is hoped that these concerns could be overcome via further negotiation, however there are other fundamental issues relating to this proposal that mean it cannot proceed in its current form.

4.2 Neighbour Notification

There have been two parties who have objected to the development for the following reasons: -

- The development would harm wildlife
- The large amount of additional traffic on the lane would be a hazard for farming activities and walkers
- Concerns over the capability of the ancient bridges at the site being able to accommodate the additional traffic
- Concerns regarding highway safety and the proposed junctions

- Concerns over the rights of way on the access track

4.3 Other Representations

SAVE Britain's Heritage – Outline support for the proposed development.

5.0 **EVALUATION**

5.1 History of the application

5.1.1 The existing application was received by the Local Planning Authority on 12/06/2008, it was registered on 12/12/2008 and is currently undetermined. The application has not progressed for many years as it was awaiting additional information to inform a decision. Over the last 24 months discussions have been held with the applicant to try and progress the application and achieve a successful conclusion to allow development at the site. The listed building is deteriorating and therefore bringing it back into beneficial use is of fundamental importance and a material planning consideration regarding this application. The Council is seeking to allow development at the site and preserve this heritage asset but the application has a lack of information to allow officers to recommend that the application is approved. The Council has sought legal advice regarding the necessity of the outstanding information and it was concluded that the required information is needed to inform a positive decision. To assist in advancing the application the Council commissioned an ecology survey of the building and site to inform a potential decision and also to potentially allow the Council to undertake essential works to the listed building if required. The processing of the application has reached an impasse with the applicant unwilling to submit the required information and the Council needing to conduct its duty to protect the heritage asset. As a result, officers have brought the application forward to Planning Committee with the regrettable recommendation to refuse the application given the lack of essential information to determine the application positively. The following sections will outline what information is outstanding and outline why it is required.

5.2 Flooding

5.2.1 The proposed residential development is categorised as a form of 'highly vulnerable development' within Technical Advice Note (TAN) 15 - Development and Flood Risk, and the site lies entirely within flood zone C2 (unprotected flood plain). TAN15 clearly outlines that highly vulnerable forms of development should not be permitted in flood zone C2 areas. The principle of the development would normally be unacceptable as it would conflict with the requirements of TAN15. However given that the proposal would preserve the highly graded heritage asset, it is considered that the proposals could be supported subject to the Flood Consequence Assessment (FCA) ensuring that the technical aspects of flood risk at the site can be managed. Section 6 of TAN15 outlines justification tests that highly vulnerable development needs to meet in order to be considered acceptable. Natural Resources Wales (NRW)

have provided comments on the submitted on the most recently submitted FCA and have outlined that the FCA fails to demonstrate that the risks and consequences of flooding can be managed and formally object to the proposals. At this stage given the lack of an updated and acceptable FCA the development would not meet the justification tests set out in section 6 of TAN15 and the proposals would therefore be unacceptable.

5.2.2 Officers are aware of the direct conflict with TAN15 that these proposals present, but providing that acceptable information is submitted that outlines that the development meets the tests within TAN15, officers would be willing to support the proposals to ensure that the heritage asset is preserved. Notwithstanding this stance on the in principle question of highly vulnerable development in zone C2, the proposal must also meet the tests in Section 6. The site is brownfield, and given that the proposals would effectively save this Listed Building, the proposals are considered to for a regeneration initiative. However, the current proposals do not evidence that the flood risk of the development can be acceptably managed and that the adverse consequences of flood risk are avoided. At this stage given the lack of an updated and acceptable FCA the proposals would be contrary to Policy SD3 of the LDP and TAN15 and would be unacceptable.

5.3 Heritage Impact

5.3.1 Troy House is one of the most significant buildings in Monmouthshire, not only because of its size but also due to its architectural and historical significance. It is one of a small number of highly graded large country houses, set in its own registered garden, with a smaller walled garden to the immediate west of the house. The importance of the building therefore increases. Originally a 16th Century house, it was heavily reconstructed in 1673-99 creating the main front block that is seen today.

5.3.2 However the building has been vacant for some significant time and its last use as a school added some unfortunate, yet reversible changes to the building and additions to the house. The removal of these additions is a benefit of the proposed development. The condition of the building, being vacant for some time, is as expected poor and deteriorating. Of particular concerns are the notable three 17th Century plaster ceilings from the earlier phase of the house suffering from water damage and general structural issues and lack of maintenance together with an incomplete roof resulting in water penetration to a number of areas, for example the rear central 17th Century open well stairs.

5.3.3 The building is identified as 'at risk' on Monmouthshire's Building at Risk database with an elevated chance of decline. In recent years the building has been occupied in part with an onsite caretaker providing protection against vandalism and theft. Therefore there is an increased need and priority for this building to find a new and sustainable use for its future. Thus, in principle the proposals are considered appropriate, subject to the relevant detail and detailed consideration of the proposals. The proposed new build has been carefully considered and is sympathetic to the architectural style of the main house. At the point of submission a viability assessment accompanied the application

which provides evidence to support the extent of the proposed enabling development. There is no evidence to suggest that conditions have improved to warrant any less enabling development than currently proposed; therefore the extent of new build is not raised as a reason for refusal.

5.3.4 In line with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a duty to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. With this in mind, with regard to the proposed alterations change to the listed building, the extent of internal re-organisation throughout together with the proposed loss of staircases, doors, architraves and panelling in areas that are relatively unaltered is considered detrimental and inappropriate. The building has been altered internally and so there are some areas that are more open to change than others. The proposed changes involve alterations to parts of the building that are the most sensitive and would have an unacceptable impact on these remaining areas of importance within the building, the very character of which is important enough to warrant the proposed level of enabling development. Proposed changes were requested to the proposals in order to achieve a suitable scheme of conversion, taking into account the results of a revised viability appraisal, and proposed mitigation for protected species. However these remain outstanding and in its current form, regrettably the application cannot be supported.

5.4 Archaeological constraints

5.4.1 Glamorgan Gwent Archaeological Trust (GGAT) have requested that an archaeological evaluation of the site is conducted prior to the determination of the application. This information would be needed prior to a decision being made to ensure that the development does not harm any historic features. Section 6.1.4 of Planning Policy Wales (PPW) outlines: "*Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values.*" The lack of this essential information results in the Council with its associated statutory parties not being able to assess the impact of the development on archaeological features. The proposed development has the potential to harm archaeological remains and given the lack of information in the form of an archaeological evaluation the proposals would be contrary to the guidance in PPW and would be unacceptable.

5.4.2 Cadw has significant concerns that the development would harm the registered park and garden's character. The impact of the proposals on the garden is a material planning consideration and Cadw is a statutory consultee. However, Cadw's advice needs to be balanced against the overall benefits of the scheme in terms of the long-term restoration of the house. In order to make an informed and balanced judgement, a proper understanding is required of the historical development of the garden together with the archaeological assessment outlined above (5.4.1).

5.5 Highway Concerns

5.5.1 The impact of the development on the highway network cannot be fully assessed as there is a lack of information within the application. The Highways Officer has concerns regarding the proposals and has requested additional information in order to be able to comment positively. The additional information required includes full junction details with analysis of vehicular movements at the junction as there are concerns with the safety of vehicles turning right from the B4293. There needs to be a road safety audit of the junction, details of how refuse vehicles will serve the development and turn within the site and a footway needs to be provided for the full length of the access road. Without this information the impact on highway safety cannot be fully assessed and the development would have the potential to harm highway safety contrary to Policy MV1 of the LDP. If received, this information would have to be weighed against the previous use of the property as a school and also against the benefits of bringing the Listed Building back into use. However, without this information it is impossible to make a balanced, informed judgement on this matter.

5.6 Ecology

5.6.1 The protection of ecology is a material planning consideration when determining a planning application. The site has suitable habitat to support a number of protected species including badger, hedgehog, otter, dormouse, common reptiles, common amphibians, breeding birds and bats. TAN5 outlines that it is *“essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before a planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval”*. The applicant has disputed the requirement of ecological surveys at the site for many years. However as confirmed by legal advice the survey work is required to inform a lawful decision at the site.

5.6.2 The Council commissioned an ecological survey at the site for the applicants to use as part of this application. This survey work has been passed to the applicant and additional work is now required to be conducted by the applicant and an appropriate ecologist to make an assessment of the impacts of the scheme and to provide mitigation and conservation proposals proportionate to the impact of the scheme and the species present at the site. Natural Resources Wales (NRW) have outlined that *in the absence of completed surveys and proposals for the conservation of bat species present we are unable to confirm that there will be no detriment to the maintenance of the favourable conservation status of the bat species concerned or to advise you that we would be able to issue a licence for this proposal*. The applicant has been asked to provide the required information but it has not been forthcoming. Regrettably given the lack of this information it is considered that the only option is to recommend that the application is refused. The development has the

potential to harm the habitat of a European Protected Species (bats) and other ecology and no mitigation proposals have been submitted to overcome this potential harm. The proposed development is contrary to Policy NE1 of the LDP which seeks to preserve ecology and mitigate the impacts of development and is more widely contrary to guidance within TAN5 and PPW.

- 5.6.3 In consideration of this application, European Protected Species will be affected by the development and it has been established that a derogation licence from Welsh Government will be required to implement the consent. Given the lack of information within the application NRW have outlined that it is not clear that a licence could be given for the development and NRW therefore makes a formal objection to the proposals. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. Given the lack of mitigation proposals within the application the development would therefore fail these tests.

5.7 Impact on Protected trees at the site

- 5.7.1 There is a limited amount of arboricultural information supplied within the application and this prevents the Local Planning Authority from making a lawful decision in respect of trees. Trees are a material consideration in the planning process. There are a number of existing trees covered by a tree preservation order both to the north of the proposed parking area and alongside the access drive. Until all trees within, and immediately adjacent to, the boundary of the application site are fully considered within a full tree survey in accordance with BS 5837:2012 *Trees in relation to Design, Demolition and Construction* Recommendations, the harm to these landscape features cannot be fully assessed and therefore the proposals are unacceptable. Although it is likely that a scheme can be produced that addresses this issue, no information has been submitted despite requests. The proposed development has the potential to harm important landscape features contrary to Policy DES1 of the LDP.

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

- 5.8.1 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.

5.9 Conclusion

- 5.9.1 It is highly regrettable that the application is not being presented to Committee with a positive recommendation to ensure the long term preservation of this significant heritage asset. Officers have for many years been trying to work

with the applicant to encourage development at the site to bring the deteriorating building back into beneficial use and have taken a very pragmatic approach. It is acknowledged that bringing the building back into use would be a significant benefit because it would save the Listed Building. The extent of new build is considered to be justified and acceptable, the removal of previous extensions would be beneficial, and overall these benefits are considered by Officers to outweigh the in principle flood risk objection. However given the significant amount of time that has passed (9 years) and given that the required information outlined within this report is not forthcoming, officers feel that they are at an impasse and have no other option but to recommend that the application is refused.

- 5.2 Regardless of the outcome of the application, the condition of the building remains a concern, to such an extent that it is considered formal action to protect the building is necessary. It is considered that a Section 54, Urgent Works Notice relating to the repair of the roof and propping of the heavily decorated plaster ceilings should be the next step an appropriate next course of action

6.0 RECOMMENDATION i): REFUSE

Reasons

1. By reason of the proposed alterations to the floor plan and resulting loss of fabric, together with insufficient information to assess the impact on the architectural and historical detail of the house, the application fails to preserve the special character of this highly graded listed building contrary to the Planning (Listed Buildings & Conservation Area) Act 1990 (Section 66), Welsh Office Circular 61/96 and Planning Policy Wales (Ed. 9) Chapter 6.
2. The development would result in the location of a form of highly vulnerable development in Flood Zone C2 as identified by Development Advice Maps referred to under Technical Advice Note 15 - Development and Flood Risk. The applicant has not demonstrated that the consequences of flooding can be acceptably managed. The proposal, therefore, would be contrary to the advice contained in Planning Policy Wales Technical Advice Note 15 - Development and Flood Risk, and Policies S12 and SD3 of the Monmouthshire Local Development Plan.
3. It has not been demonstrated that the proposed development would preserve potential archaeological remains at the site. The application does not include a comprehensive Archaeological Evaluation of the site and has the potential to cause an unacceptable level of disruption to the historic environment. The application cannot be supported given this lack of information and therefore the proposals are contrary to the guidance within Planning Policy Wales (Ed. 9) Chapter 6 (par. 6.1.4).
4. It has not been demonstrated through a road safety audit and detailed access plans of the junction onto the B4293 that the proposed vehicular access

arrangements would provide a safe access for road users. Given this lack of information the proposed development has the potential to adversely impact on highway safety contrary to Policy MV1 of the Local Development Plan.

5. It has not been demonstrated that the proposed development would not harm ecological interests of Principal Importance in Wales that are internationally and nationally protected. By virtue of the absence of an appropriate level of avoidance, mitigation and compensation, the proposed development would be contrary to guidance within Technical Advice Note 5 and Policy NE1 of the Local Development Plan.
6. It has not been demonstrated through a comprehensive Tree Survey (in accordance with BS 5837:2012 Trees in relation to Design, Demolition and Construction Recommendations) that the proposed development would not harm important landscape features within or adjacent to the site. By virtue of the absence of this requested information the proposed development would be contrary to Policy DES1 of the Local Development Plan.

RECOMMENDATION ii): a Section 54 Urgent Works Notice under the Town & Country Planning (Listed Buildings & conservation Areas) Act 1990 be issued relating to the repair of the roof and propping of the heavily decorated plaster ceilings at the property.

DC/2015/00095

RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ROADS, DRAINAGE ETC.

IFTON MANOR FARM, CHESTNUT DRIVE, ROGIET, CALDICOT NP26 3TH

RECOMMENDATION: Approve

Case Officer: David Wong

Date Registered: 22/12/2016

1.0 APPLICATION DETAILS

- 1.1 Initially, this application comprised a proposal of 14 residential units. However, after a series of negotiations, the number of units has been reduced from 14 to 12 due to viability reasons, the provision of adequate parking and turning provision and the imposition of a Green Infrastructure scheme on site. It is useful to note that now, 2 of the 12 units will be affordable housing and these affordable housing units meet the Design Quality Requirements set out by the Welsh Government. This ensures these affordable housing units meet space standards, are secure, are accessible for all and designed to maximise energy efficiency.
- 1.2 In terms of the appearance of the proposed housing, there are two design types: the affordable housing and the market housing. The affordable housing units measure 9m deep, 5.5m wide and 7.5m high. As for the market housing, the overall dimensions are 9.4m deep, 7m wide and 8m high. It is considered that both of these types of residential units have a simple and traditional appearance. In terms of parking, each of the units has its own on-site parking provision.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing Provision

S4 – Affordable Housing

S12 – Efficient resource Use and Flood Risk

S13 – Landscape, Green Infrastructure and the Natural Environment

S16 – Transport

S17 – Place Making and Design

Development Management Policies

H1 – Residential Development within Main Towns

DES1 – General Design Considerations

EP1 – Amenity and Environmental Protection

NE1 – Nature Conservation and Development
GI1 – Green Infrastructure Provision
LC5 – Protection and Enhancement of Landscape Character
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultation Replies

Rogiet Community Council – none

MCC Urban Design and Landscape Officer – No objection to the proposed development; conditions are requested.

MCC Highways Officer – There is no objection to the current scheme and planning conditions are requested in the interests of highway safety i.e. construction traffic management plan, estate street phasing, future maintenance arrangement of the streets.

MCC Ecology and Biodiversity Officer – Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision. There is no objection to the granting of this application subject to ecological conditions to be imposed. The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site.

MCC Tree Officer – None of the trees are significant or protected. There is no objection to the proposal and the GI condition will compensate the loss of the existing trees on site.

Senior Strategy & Policy Officer (Housing) – No objection as the layout of the affordable housing now complies with the Government's standards.

MCC Recreation – A payment of £4230 per unit towards offsite provision/improvements of Children's play; open space and adult recreation in the local area is suggested.

NRW – There were concerns initially due to the lack of ecological information submitted. However, further bat surveys and mitigation had been conducted and provided for further consideration. Having re-consulted the NRW, there is no objection to the proposal provided that suitable conditions are imposed as bats mitigation

Welsh Water – No objection to the proposal provided that a drainage scheme for the site has been submitted and approved by the Local Planning Authority prior to the commencement of the development. The proposed development site is crossed by two public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of both public sewers.

GGAT – There were concerns initially due to the lack of archaeological information submitted. However, a report on the archaeological evaluation had been conducted and provided for further consideration. Having re-consulted the GGAT, there is no objection to the proposal provided that suitable conditions i.e. a written scheme of historic environment mitigation.

4.2 Neighbour Notification

There are objections from 11 households and they are summarised below:

- Permanent increase of volume of traffic in and out of Chestnut Drive
- Heavy construction traffic during the period of development will adversely affect the existing residents; a temporary direct access from Rogiet Road to the development site to mitigate adverse highway safety issues
- The proposed development will bring Rogiet nearer to Caldicot
- The proposed development will alter the form of Rogiet and the semi-rural view/natural outlook from my property will be lost
- We already have issues with parking due to the railway and the proposed development will exacerbate this problem
- The row of houses that back onto Yew Tree Rise should be turned 90 degrees so that we have gable walls facing our properties
- The site levels of the proposed land is higher than the existing properties at Yew Tree Rise and the proposed houses will look straight into our bedrooms and bathrooms
- There are a lot of large agricultural equipment has already been operating in the area clearing a lot of the trees; this may affect the protected bats on site
- The proposed site is within close proximity of my property, there are concerns over the disruption of facilities e.g. water/telephone and so on.
- The existing road is not suitable for the extra traffic created by this development i.e. more than 14 days from the proposed units and the heavy plants and machineries trying to navigate the two 90 degree bends
- A lot of wildlife will suffer from the development of this proposal
- Various sources informed me that the presence of asbestos in the buildings, which are proposed to be demolished. They require specialist removal.
- The stone wall ruins which run alongside my boundary fencing have defects in certain sections and I ask for this wall to be made good where necessary
- There is sufficient housing in Undy
- The proposal will put pressure on the existing services i.e. schools and GP surgeries
- It would be devastating if the existing stones buildings are allowed to be demolished
- Our garden is within close proximity of the development site and is worried that the proposed development will cause disruption and potential risk of jury to my family
- We are worried of the negative effect of the proposed development would have on our properties value
- The existing stone wall and the Manor House should be retained
- We were told by the developer (Bovis Homes) when buying our property at Yew Tree Rise that this site will be extremely unlikely to be developed
- My garden adjoins the development site and having occupied and maintained the bottom of our garden since I moved in 15 years ago, I have a legal claim to this area as I have done so beyond the statutory period. I could do what is necessary to make the boundary wall safe
- We were advised the farm housing is listed
- Where exactly will the boundary line for the new development be and who will be responsible for the wall and its maintenance

4.3 Other Representations

None.

4.4 Local Member Representations

None received

5.0 **EVALUATION**

5.1 Principle of the proposed development

5.1.1 There are neighbour concerns over the fact the village of Rogiet will be nearer to Caldicot as a result of this development. The majority of the site is located within the Rogiet Development Boundary therefore there would be no objection under the Monmouthshire's housing strategy set out in policies S1, S4 and H1 of the Monmouthshire Local Development Plan (LDP) which seeks to provide housing and affordable housing in sustainable locations. This is subject to detailed planning considerations and other policy requirements of the LDP.

5.1.2 Part of the site is however located outside the development boundary, with part of one of the dwellings and one garage just beyond the boundary with garden areas. It is considered however, that the encroachment into the Green Wedge is of a minor nature and the fact that the site boundary takes development up to a logical physical boundary on the ground, to which additional screen planting and Green Infrastructure scheme (GI) will be provided, the openness of the Green Wedge will be maintained and the development will not conflict with the purpose of the green wedge. There are existing agricultural buildings, which are appropriate development in the countryside, on the proposed area and this proposal includes the demolition of these existing buildings and their replacement with less built form, which is considered to be beneficial in visual terms.

5.1.3 According to the written representations of some of the neighbours, they believed that one of the existing buildings, known as the Manor House, is listed and it should therefore be retained. In terms of the principle of the demolition of the existing building, it is not listed and the site is not within a Conservation Area and therefore the existing building can be demolished. At the outset of the application, the applicant was advised to retain this building to form part of the development, however he considers that this suggestion was not a variable option as he would not be able to fully utilise the site.

5.2 Site layout and Design, Landscape Impact and Trees

5.2.1 The proposed development comprises 12 dwellings on a site area of 0.49ha. Policy DES1 (I) of the LDP states that '*the minimum net density of development should be 30 dwellings per hectare*' subject to the characteristics of the site. In this case having a lower density than the desired minimum is considered

acceptable having regard to the density of the immediately adjoining housing development. In addition, being located on the edge of the Rogiet Development Boundary, a lower density development would help to soften the 'edge' of the Development.

- 5.2.2 The majority of dwellings front the internal access road with private gardens to the rear. The area along the eastern boundary of the site has been designed to incorporate a scheme of Green Infrastructure (GI), providing an area of openness next to the Green Wedge. Where private gardens bound this GI space these gardens are proposed to be enclosed with a 1.8m close boarded fence.
- 5.2.3 The two affordable houses are designed to Design Quality Requirements (DQR) set by the Welsh Government for affordable homes. In terms of external materials of the dwellings a traditional palette has been chosen of rendered walls with reconstituted tiles for the roofs and the windows would be uPVC. Further conditions are requested to agree samples of materials and also surface materials to ensure a high quality and aesthetically pleasing finish.
- 5.2.4 With regards to the trees on the site, some trees will have to be removed to facilitate the development. The Council's Tree Officer and the Ecologists have been consulted and there is no objection provided that the necessary planning conditions will be imposed to mitigate the loss of these natural features. Overall, it is considered that the proposed visual impact of the development will be in keeping with the surrounding area in terms of scale, density and design.
- 5.2.5 Some neighbours would like to see the row of houses that back onto Yew Tree Rise to be turned 90 degrees so that they have gable walls facing their properties. The agent considered that the current layout makes the best use of the site and is able to achieve satisfactory planning standards (21m between habitable rooms) between the proposed and existing developments, therefore the proposal is considered to be acceptable in planning terms.

5.3 Access, Parking, Traffic and Sustainable Travel

- 5.3.1 The Council's Highway Department offer no objection to the proposed development. There will be a single point of access (off Chestnut Drive) into and out of the site, which has been designed to a standard in order to facilitate the turning of refuse vehicles and emergency vehicles which will be able to enter the site. There will be a rumble strip at the entrance of the site to manage the speed of traffic in and out of the site. Given the fact that the proposed layout has been designed in accordance with current adoptable design standards, there are no grounds to object to the proposed layout and access road.
- 5.3.2 In terms of parking, the principle is to provide one space per bedroom with a maximum of three on-site parking spaces to serve the four bedroom houses. Having consulted the Highways Department, there is no objection to this element as the proposed development is in compliance with the Council's adopted parking standards.

5.3.3 With regard to traffic impact on the existing highway network, the Council's Highway Officer has considered the number of additional residential units proposed and the configurations of the existing highway network, he is satisfied that the level of traffic proposed from the development will have a minimal impact on the existing highway network and the proposed development will not exacerbate the existing situation to the detriment of highway safety i.e. parking and congestion issues; suitable conditions are requested in the interests of highway safety i.e. construction traffic management plan, estate street phasing, future maintenance arrangement of the streets.

5.3.4 In terms of access to public transport there are bus stops within reasonable walking distance along Caldicot Road.

5.4 Biodiversity

5.4.1 The Council's Ecologist has advised that there is sufficient ecological information to make a lawful planning decision. Mitigation is proposed in the form of an underground bat roost to be sited in the south east corner of the site, and bat lofts on four of the garages to the south east portion of the site. Further detailed drawings of this mitigation will need to be provided prior to commencement, this should also include details of planting and lighting schemes.

5.4.2 The NRW was consulted. Initially, they were concerned about the proposal due to the lack of ecological information submitted, however, further bat surveys and mitigation have been conducted and provided for further consideration. Having re-consulted the NRW, there is no objection to the proposal provided that suitable conditions are imposed in relation to bat mitigation.

5.4.3 A European Protected Species derogation licence will be required in order to carry out the works (demolish the buildings). Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) 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 have been considered in consultation with Council's Biodiversity and Ecology Officers as follows:

- (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.*

The site is within the development boundary of Rogiet where residential development is acceptable in principle and the need for housing is considered to outweigh the benefit of retaining the buildings as existing which serve no useful purpose.

- (ii) *There is no satisfactory alternative*

The proposal is necessarily site specific and the 'do nothing' option would not be in the public interest.

- (iii) *The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

The requirement of a licence will secure the Method Statement and it is considered in these circumstances that a separate Method Statement condition is not necessary. On balance it is considered that the proposed development will not be detrimental to the maintenance of the population of bats in the area.

- 5.4.4 There was concern that site clearance was being undertaken which may affect the protected bats on site. Having checked with the applicant, this was not a site clearance exercise; they needed to carry out some ecological and archaeological studies on site as requested by the consultees which made access to certain parts of the site necessary. In any event, they have experts on site to advise on this matter accordingly.

5.5 Residential amenity

- 5.5.1 The existing residents have concerns that the site levels of the proposed land are higher than the existing properties at Yew Tree Rise and the proposed houses will look straight into their bedrooms and bathrooms.

- 5.5.2 In terms of privacy and overlooking and the impact of the proposed development on the existing residential properties of Yew Tree Rise and Chestnut Drive, separation distances between the proposed and existing developments meet satisfactory planning standards (21m between habitable rooms) and therefore there are no grounds to object to the proposal as no significant overlooking impact upon the existing properties is anticipated as a result of the development.

- 5.5.3 Some adjoining neighbours are concerned that their gardens are within close proximity of the development site and are worried that the proposed development will cause disruption and potential risk of injury to family members i.e. the collapse of the stone wall along the boundary of the site. From the planning perspective, the fact that the site is within close proximity to some existing neighbours does not exclude development. With regard to the potential collapsing of the stone wall, this is a private matter for the developer to ensure the development is carried out in a safe manner.

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

- 5.6.1 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 WCFG 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.

5.7 Other issues

- 5.7.1 The site is archaeology sensitive and the Council's advisor, GGAT, had requested further information for consideration. The agent was given the opportunity to assess the site and an archaeological evaluation was submitted as a result. GGAT have reviewed the information and there is no objection to the proposal; a written scheme of historic environment mitigation is requested.
- 5.7.2 Welsh Water advised that the proposed development site is crossed by two public sewers, therefore, they would like to see the position of these sewers be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of both public sewers. This is part of the private requirement of the 'build over sewer' application with Welsh Water. Therefore, this matter is between the developer and Welsh Water; an informative will be imposed to inform the developer accordingly.
- 5.7.3 Some of the neighbours are concerned that the proposed development will alter the form of Rogiet and the semi-rural view/natural outlook from their property will be lost. The loss of the natural outlook is regrettable. However, this is not a material consideration for planning applications.
- 5.7.4 A neighbour is worried that there will be disruption of facilities e.g. water/telephone as the proposed site is within close proximity of her property. This is private matter between the developer and the statutory undertakers to ensure that there will be minimum disruption of facilities to existing residents.
- 5.7.5 Some neighbours believed that there is a presence of asbestos in the buildings, which are proposed to be demolished. This may be true and is a matter for the developer to ensure that there are specialists involved for the removal of asbestos. Therefore, an informative will be imposed to remind the developer about this matter accordingly.
- 5.7.6 Some of the existing neighbouring properties back onto the stone wall ruins. This is an old stone wall and certain parts of the wall require remedial works. The neighbours would like to see those sections of the wall to be made good where necessary. It is good practice for the developer to ensure that this stone wall be repaired accordingly. However, this is a private matter between the developer and the relevant parties.
- 5.7.7 Some neighbours considered that there is sufficient housing in Undy. There is a housing shortage in Wales as confirmed by the Welsh Government. Therefore, this proposal would assist the Government in achieving its housing target.

5.7.8 Some neighbours considered that the proposal will put pressure on the existing services i.e. schools and GP surgeries. It is considered that Rogiet is a sustainable location and is in close proximity to other urban settlements, where services exist. Some neighbours believed that the existing schools are overstretched and are not capable to cope with more children from this development. It is considered that the proposal of this scale is unlikely to put a significant amount of pressure onto the existing services. In addition, it is a strategic matter of the Health Board and Education Department to improve the existing services to serve the need of the area.

5.7.9 Some neighbours are worried regarding the negative effect the proposed development would have on their properties value; this is not a material consideration for planning applications.

5.7.10 According to some of the objections from the existing residents, they were informed by the developer (it was Bovis Homes at the time) when buying their property at Yew Tree Rise that this site would be extremely unlikely to be developed. However, the site is within the Rogiet Development Boundary, therefore, there would be no objection under the Monmouthshire’s housing strategy set out in policies S1, S4 and H1 of the Monmouthshire Local Development Plan (LDP) which seeks to provide housing and affordable housing in sustainable locations.

5.7.11 A neighbour advised that his garden adjoins the development site and having occupied and maintained the bottom of his garden since he moved in 15 years ago, he has a legal claim to this area. This is a private legal matter between the developer and this neighbour and not a material planning consideration.

5.7.12 An off-site financial contribution of £4230 per unit was requested by the Council’s Recreation Department for Children’s play area, open space and adult recreation. The current proposal comprises 2 affordable housing units on site; having consulted with our Senior Strategy & Policy Officer (Housing), she advised that, further to the affordable housing provision, with this additional request, the proposal will become financially unviable and the developer will not be able to provide the 2 affordable housing units on site. Under Policy S7 of the LDP, in the event that viability considerations indicate that not all the identified contributions can be reasonably provided by the developer, priority will be given to the affordable housing required by Policy S4 of the LDP. Therefore, only affordable housing provision will be requested.

6.0 RECOMMENDATION: Approve subject to S106 agreement to require two affordable housing units.

Conditions/Reasons

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.

	<u>Pre-commencement conditions</u>
3.	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.
4.	No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
5.	No development shall commence on site until a location plan has been submitted to and approved by the Local Planning Authority to identify the siting/alignment of the existing stone wall and which sections of the existing wall are proposed to be demolished.
6.	<p>Prior to the commencement of development, full details and samples of the materials to be used for the external walls and roofs and on areas of hard landscaping shall be submitted to and approved in writing by the LPA.</p> <p>Development shall be carried out in accordance with the approved details prior to the first occupation of the associated dwelling, or in the case of communal or public hard landscaping, prior to the first occupation of the last dwelling on the site.</p>
7.	<p>Before any works commence on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority.</p> <p>This boundary treatment shall be implemented before the use hereby approved is commenced or before the building(s) is / are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.</p>
8.	No development shall commence until full engineering, drainage, street lighting and construction details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

9.	The car parking provision shall be provided in accordance with drawing '2109/503c'.
10.	No development shall commence on site until a detailed surface water management scheme has been submitted to and agreed in writing by the Local Planning Authority.
11.	No development shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved CTMP at all times.
12.	<p>No development shall take place including any demolition, ground works, or site clearance until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; c) measures to avoid killing and injuring bats during works (to include actions to be taken in the event a protected species is found) d) use of materials (such as timber, roofing membranes) on all mitigation areas, e) persons responsible for implementing the works; f) annotated architectural drawings detailing all bat mitigation areas to include positioning and size of entrances, size & location roosting areas (including cross sections of the roost) g) initial aftercare and long-term maintenance (mitigation needs to be maintained in perpetuity) <p>The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter</p>
13.	<p>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 buildings or in their curtilages until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:</p> <ul style="list-style-type: none"> a) lighting type, positioning and specification

	<ul style="list-style-type: none"> b) drawings setting out light spillage in key areas for wildlife based on technical specifications c) address construction and operational phases d) include measures to monitor lux levels and include remedial action to be undertaken where problems are identified through monitoring <p>The strategy must be consistent with the requirements of the protected species on site, demonstrating that wildlife corridors including the roost and key flight lines are not illuminated. The scheme shall be agreed in writing with the LPA and implemented in full.</p>
14.	<p>Prior to the commencement of works on site (including any demolition, ground works, site clearance) details of a monitoring scheme for protected species shall be submitted to, and be approved in writing by the local planning authority. Monitoring should include the protected species themselves and the establishment of translocated, newly planted and managed habitats, and the use of such habitats. Should the monitoring show a decline in population or distribution, remedial measures shall be submitted to and approved in writing and implemented in accordance with the approved details.</p>
15.	<p>A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by the local planning authority prior to the commencement of works on site (for the avoidance of doubt this includes any demolition, ground works, site clearance). The content of the Management Plan shall include the following.</p> <p>a) Description and evaluation of Green Infrastructure assets to be managed to include those identified on the Green Infrastructure appraisal but not limited to:</p> <ul style="list-style-type: none"> I. Public open spaces II. Local equipped area of play Surface water management incl. SUDS III. Soft landscaping including but not limited to street trees and other new planting IV. Public footpath and key pedestrian routes V. Ecological mitigation areas (habitat corridor, bat roosting/bird nesting provision, reptile hibernacula, wildflower zones) VI. Green frontage

	<p>b) Trends and constraints on site that might influence management.</p> <p>c) Aims and objectives of management which should also detail the management of mitigation habitat for protected species.</p> <p>d) Appropriate management options for achieving aims and objectives and shall take into consideration the ecological requirements of protected species.</p> <p>e) Prescriptions for management actions.</p> <p>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).</p> <p>g) Details of the body or organization responsible for implementation of the plan.</p> <p>h) Ongoing monitoring and remedial measures</p> <p>The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the 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.</p>
16.	<p>Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the LPA. These details should reflect a mitigation planting scheme to ensure retention / provision of appropriate flight lines for bats, setting out the retention of, and buffers provided to, existing vegetation / new planting (as appropriate), and its management to ensure dark vegetated flight corridors to and from the roost sites.</p> <p>Details shall include.</p> <ul style="list-style-type: none"> • Detailed plans / elevations of the street scenes. • Existing and proposed finished levels. • Proposed grading and mounding of land areas including the levels and contours to be formed,

	<p>showing the relationship of proposed mounding to existing vegetation and surrounding landform.</p> <ul style="list-style-type: none"> • Means of enclosure; • Other vehicle and pedestrian access and circulation areas with specific focus on deliverability of the pedestrian connectivity beyond the site; • Hard surfacing materials; • Minor artefacts and structures (e.g. furniture, artwork, refuse or other storage units, signs, lighting, floodlighting and CCTV installations etc.); • Proposed and existing utilities/services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports and CCTV installations.); • Retained historic or other landscape features and proposals for restoration, where relevant. • Soft landscape details shall include: means of protection, planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities. • Water Features / Suds features • Clarification of access connections beyond the site • Impacts and mitigation because of the proposed new access requirements. • Where historic environment impacts are identified, these are reflected through appropriate mitigation. <p>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. 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.</p>
17.	<p>Before any works commence on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. This boundary treatment shall be implemented:</p>

	<ul style="list-style-type: none"> • before the use hereby approved is commenced or • before the building(s) is / are occupied or • in accordance with a timetable agreed in writing with the Local Planning Authority.
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Informatives:

Major Development - Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

The proposed development site is crossed by two public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of both public sewers.

Please refer to the letter from Welsh Water, dated 26/01/2017, for more advisory notes.

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

Please be advised that the removal of asbestos require specialists.

We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.

Nesting Birds – Please note that all birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

Reptiles – Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any

time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

Hazel Dormouse - Please note that the hazel dormouse is protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately

Street Naming/Numbering - The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk. This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned.

DC/2015/00767

RETENTION AND COMPLETION OF A NEW MEDICAL OFFICE

SITE OF THE FORMER PUBLIC TOILETS, TINTERN

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 15/07/15

1.0 APPLICATION DETAILS

- 1.1 In July 2014 planning permission was granted for the conversion of the former public toilets in Tintern to be converted into a premises from which to run a podiatrist business. The conversion was not carried out in accordance with the approved plans and the building was demolished. This current application seeks to regularise the situation and is seeking retrospective permission for the erection of a new building to house the podiatry business. Although the building does provide the same footprint, the new building contains an under-croft and altered fenestration details. The proposal includes three new parking spaces and a concrete ramp up to the front door. The building will be finished in render and timber boarding with a slate roof. The site is adjacent to the main road in Tintern next to Ashweir Court which is made up of converted workshops. The site is within the Tintern Conservation Area, The Wye Valley Area of Outstanding Natural Beauty and adjacent to the River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). A Bat Scoping Survey Report and Flood Consequences Assessment (FCA) were submitted as part of the application.
- 1.2 Since the original submission an updated FCA has been submitted showing the proposed storage space in the under-croft to become a void.

2.0 RELEVANT PLANNING HISTORY

DC/2013/01061 Conversion of former toilet block into a podiatrist business. Approved 30/07/14

DC/2014/00972 – Discharge of Condition Archaeological written scheme of investigation – Approved 27/08/14

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S10 – Rural Enterprise
- S12 – Efficient Resource Use and Flood Risk
- S17 - Place Making and Design

Development Management Policies

- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- RE1 – Employment within Villages
- RE2 – Conversion or Rehabilitation of Building in the Open Countryside for Employment Use

SD3 – Flood risk
NE1 - Nature Conservation and Development
HE1 - Development in Conservation Areas
HE2 – Alterations to Unlisted Buildings in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultation Replies

Tintern Community Council – recommends refusal.

1. This is a retrospective application and TCC cannot see any justifiable reason for the application not having been submitted in advance of work being undertaken.
2. Building has continued despite the applicants being served an Enforcement Order. TCC cannot understand why MCC do not appear to have the powers to enforce orders in cases like this, or choose to do so.
3. The current retrospective application is for a new build which is different from the original application which was for conversion and extension of the former public toilets, not for total replacement.
4. The new application does not appear to have been submitted to GGAT yet. As the applicant now proposes an under-croft the original brief was for approved excavation work and the Flood Consequence Assessment supplied was for the original application and does not take into account the proposed under-croft. There was no under-croft proposed in the original application and it is understood the under croft is already completed.
5. The building has been constructed in breach of the original covenant as when the toilets were built the Diocesan Board allowed them on the condition that there was a public convenience on the site, none has been provided.
6. Provision of adequate Parking Spaces – This was not properly addressed in the original application, nor has it been in the current application. When permission for Ashweir Court was granted it specified three spaces per unit. It is now proposed that the same area be used for three parking spaces for the proposed new building and no additional space has been made available. This means that there is in fact only one parking space off the main road.

TCC are particularly concerned about the plethora of retrospective applications which now seems to have become the normal practice for some community members. The ability to do this invalidates the whole ethos of the legislation and procedures. We have already requested that this application goes before a full committee meeting and we would like the opportunity of speaking at any meeting, especially as we were not given the opportunity of attending the original site meeting between the applicant and planning officers.

MCC Highways

This application should be deferred for pedestrian access to be re-evaluated and amended.

This site and conversion has been the subject of a previous application DC/2013/01061.

The access and parking for offices was discussed and comments are reiterated here for office and clinic. However the customer base must be carefully managed so that there is always customer parking available on site.

The pedestrian route to the building is however only available from a parking place and not linked to the public highway. Therefore there is no accessibility for pedestrians. This is unsustainable as there is no access for non-drivers. This must be addressed.

Natural Resources Wales (NRW)

The site lies entirely within Zone C2, as defined by the Development Advice Maps (DAM) referred to in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Wye. Our records show that the proposed site has also previously flooded from the River Wye in December 1981.

With reference to TAN15, the decision as to whether a development is justified in Zone C2 is entirely a matter for your authority. We refer you to section 6 of TAN15 in this regard.

The previously approved application (DC/2013/01061) was supported by a flood consequences assessment (FCA). This concluded that an extreme tidal event on the River Wye is unlikely to impact on the proposed development, as submitted, given its designed finished ground floor level of 11.150 metres Above Ordnance Datum (m AOD). The FCA provided a summary of the likely flooding mechanism in this location.

An amended plan entitled "Proposed Plans", Drg. No 1235/02 Rev C was submitted in support of the above application, which we received on 22 December 2016. Drg 1235/02 Rev C shows that the previous "ground floor storage area" will now be a "void space" instead with no use proposed. The letter from WYG, dated 18 December 2015, reference FMW1399 states that "as the ground floor will now have no use, it be allowed to flood in the most extreme of rainfall events". However, this information does not enable us to advise your authority on the risks and consequences of flooding to and from the proposal. Without an amended supporting FCA (including the ground floor levels) based on the latest design we cannot provide further advice in line with TAN15. Therefore, our advice remains as set out in our letter of 20 August 2015, reference SE/2015/119311/01.

You should note that the latest proposal allows the "void space" to flood in times of the most extreme rainfall events. We would normally advise against the use voids to mitigate flood risk, one reason for this is that it is difficult to ensure they remain clear throughout the life time of development.

Comments received from NRW 20/08/15

The previously approved application (DC/2013/01061) was supported by a flood consequences assessment (FCA). This concluded that an extreme tidal event on the River Wye is unlikely to impact on the proposed development, as submitted, given its designed finished ground floor level of 11.150 metres Above Ordnance Datum (m AOD). The FCA provided a summary of the likely flooding mechanism in this location

The same FCA has been submitted in support of the retention and completion of works to the building. The new proposals include a lower finished ground level, which is to be used as under-croft storage. No figures are given on its finished level to ordnance datum. In addition it is unclear how the under-croft storage has been constructed, for example has the works to excavate below the building created a potential flow path which could convey water into the site. This is important because the FCA considered the mechanism of flooding would be a low spot opposite the Rose and Crown Pub, with flood water backing up on Main Road towards the building. The FCA concluded that the finished ground level of the building

(11.150mAOD) was considered high enough not for flood water to reach. As the new finished ground level is lower and there could be a route into the buildings at the rear, there is a reasonable possibility of flood risk to the building given its new design.

As such the FCA should be amended to assess new risks and consequences of flooding and demonstrate whether the risks to the building can be acceptably managed in line with the criteria set out in TAN15.

Therefore, we are unable to advise your Authority on the risks and consequences of flooding as proposed. We advise that an amended FCA is undertaken by the applicant prior to determination of this application. The FCA should include an assessment on the risks and consequences to and from the under-croft storage area, the finished ground level of the building, any new flood routes created and the mechanisms of flooding. The FCA should assess appropriate mitigation measures necessary.

If, contrary to TAN15, your Authority is minded to grant permission, we should be informed of all matters that influence this decision, prior to granting permission, allowing sufficient time for further representations to be made. We are required to report to the Welsh Government those instances in which recommendations for refusal on grounds of flood risk, have not been accepted by Local Planning Authorities. Therefore, if planning permission is granted contrary to our recommendation, we would be grateful if you would provide us with a copy of the Committee report, relevant Committee minutes and the decision notice.

MCC Biodiversity

Comments made by my colleague Aidan Neary on the previous scheme DC/2013/01061 (attached) are still relevant to the case. However, I understand that the building has now been substantially completed and as such the matters considered for the construction phase in Habitats Regulations Assessment are now irrelevant.

It is noted that the information submitted with the application indicated that there would be two external lights which includes a single low intensity light adjacent to the customer entrance and a single (1m high) low intensity light in the car park. The Habitats Regulation Assessment is based upon this.

Natural Resources Wales do not need to be consulted on the updated HRA as the conclusion is that there will not be a significant effect on the River Wye SAC.

Previous comments sent 24/06/14

I have received a copy of the bat scoping survey report undertaken by Merlin Bio Surveys dated September 2013. I am satisfied with the reports findings and conclusions which state that the existing building does not provide suitable bat roosting features. Therefore a European Protected Species (EPS) Licence is not required but as the proposal involves substantial alterations to the building, standard informatives will be required

4.2 Neighbour Notification

Letters received from four addresses

This new build application is different from the original application for conversion. The building is now substantially complete.

No indication that the WSI has been carried out.

Inadequate parking provision Implications for flooding now there is an under croft.

MCC is incapable of enforcing an enforcement order

No archaeological report has been submitted.

The treatment room is on the first floor with no means of access for those with minimal mobility.

The building looks like a house.

Parking has not adequately been addressed

Site is subject to flooding

Encroachment onto neighbour's land

Do not believe that the two basement rooms will be left as voids, who will monitor this?

Parking should be in the under-croft below the building

One Letter of support.

5.0 EVALUATION

5.1 Principle of Development.

5.1.1 Policy RE1 of the LDP states that construction of small scale purpose-built business will be permitted within or adjoining main villages, although Tintern is not classified as a main village, rather it is classified within Policy S1 as a minor village. There is no specific policy relating to business development (either new build or conversion) in minor villages. Policy RE2 of the LDP does allow for the conversion or rehabilitation of buildings in the open countryside to employment use provided that specific criteria are met. Generally the Council seeks to encourage economic enterprise and the creation of new jobs within the County, in suitable locations. It would appear that a new business enterprise in an existing settlement should be encouraged. The fact that approval has recently been granted for a conversion of this site also gives weight to the principle of allowing a business use here. The principle of this development is considered acceptable given its reasonably sustainable location adjacent to existing buildings in the centre of Tintern and the main road.

5.2 Visual Impact

5.2.1 The building is situated within the Tintern Conservation Area (CA). Policy HE1 of the LDP requires that developments in CAs should preserve or enhance the character and appearance of the area. Policy HE2 states that permission will be refused where proposals are unsympathetic to existing buildings or detract from the overall appearance of the CA. In this case permission has already been granted for the conversion and extension of the old toilet block, which had no particular architectural merit. That approval included an extension at the side and alterations to the finishing materials and raising the height of the ridge. At that time the scheme was considered acceptable and the application subsequently approved. The current application relates to a new building. However when viewed from the front, including views from the road the proposed new build looks the same as the approved scheme. At the back of the property the developers have excavated up to 2 metres of ground and provided an under-croft. When viewed from the river and the rear of the property the building looks considerably larger than the approved scheme; this also applies to a lesser extent when viewing the building from the sides. The building as built does have a greater visual impact than the scheme that was approved especially when viewed from the river or the rear of the property. Notwithstanding this, the principal view of this building is when seen from the front and from the A466. From this vantage point there is little difference in the appearance of the building from the approved scheme and it is this elevation that has the greatest impact upon the character of the CA. On balance it is considered that the visual appearance of the building is acceptable and appropriate for its setting. The building has reconstituted slate on the roof and dark stained weather boarding and the lower portion is rendered a light green in colour. These materials are

considered appropriate. While weather-boarding has not been used in general on buildings in this area, it is an appropriate material for commercial premises and is regarded as a traditional material for riverside or wharf-side buildings such as would be located in this setting by the Wye.

5.3 Flooding

5.3.1 The current application seeks permission for an under-croft to the building. This has been achieved by excavating the ground levels under and surrounding the building. The site lies within a C2 flood zone and the site is known to flood. The applicants have submitted an FCA with the application. This initially showed the ground floor being used as a storage area but was then amended to show a void space which “will be allowed to flood in the most extreme of rainfall events”. A possible problem with taking this approach is that in general it is difficult to guarantee the ground floor will be kept as a void and not be used for other purposes for the lifetime of the building. However, it is considered that the maintenance of the voids could be secured through a planning condition and could be monitored given that there are public views towards the rear of the site from the public right of way crossing the Old Tramway Bridge. The proposed use as a podiatry clinic is classified as ‘less vulnerable development’ in TAN 15 as people will not be living in the premises and will only be visiting the site during the day. NRW agreed as part of the previous application that the use was acceptable on the ground and first floor levels. The only area for consideration now is the under-croft that is to be used as a void space. The flooding of this void space will not endanger human life. The void will be allowed to flood during extreme events and thus will not affect the flooding levels in surrounding areas. Officers of the Council have taken into account the fact that the under-croft void of this building will be liable to flooding in extreme events but consider that the results of this flooding could be acceptably managed and that this is not a sufficient reason to justify refusal of the application especially given that this use on the ground and first floors already has permission.

5.4 Parking and access

5.4.1 The amended site plan received September 2015 indicates six off road car parking spaces including one disabled bay accessed directly off the A466, two at the side of the property and three to the rear, these being accessed from Ashweir Court. The adopted Parking Standards would require three parking spaces for a business of this size, so over provision of parking is being provided. The disabled parking bay would have no turning bay within the site and therefore the vehicles would have to reverse out onto the main road, this is the same situation that was approved previously and at that time the Council’s Highway Engineers had no objection to the proposal. There are many other similar parking arrangements throughout this area of Tintern.

5.5 Residential Amenity

5.5.1 The building is adjacent to Ashweir Court which comprises of workshops and offices. There is a residential property on the opposite side of the road, but given its elevated position and the intervening road, the proposal would not have a detrimental impact on the amenity of the occupiers of that dwelling. The impact of this building upon neighbouring residential properties is the same as for the scheme that was approved in July 2014.

5.6 Biodiversity

5.6.1 A bat scoping survey was carried out on the building in September 2013 which found no features that would provide a roost for bats and no sign that bats had used the

building. During the course of the previous application, DC/2013/01061, the Council's Ecologist was satisfied with the findings of the bat scoping survey which stated that the existing building did not provide suitable bat roosting features; therefore no further survey or ESP licence was required.

5.6.2 A Habitats Regulations Assessment (HRA) was carried out for the site as part of the previous application and re-submitted with the current application. It found that the proposal is unlikely to have a significant effect on the River Wye Special Area of Conservation (SAC). NRW agreed with those conclusions.

5.7 Economic Development

5.7.1 The podiatrist business when fully operational could employ up to 5 full time posts.

5.7 Response to Community Council Representations

5.7.1 This is a retrospective application, but this should make no difference as to how the application is determined. The application needs to be determined on its planning merits. The Council does not punish applicants for retrospective applications. In August 2014 a condition was discharged relating to an archaeological written scheme of investigation. Although this related to a different application the area of investigation was the same. The FCA has now been updated to reflect the under-croft. Any covenant on the building is a private legal matter between the parties and not a concern of the local planning authority. The site plan now indicates six parking spaces, one accessed off the A466 and the other five are at the rear of the building accessed from Ashweir Court. Two of these are newly formed parking bays and three of these are on an area of road that was previously used to store a caravan, and formed part of the parking for the adjacent workshops when they were approved. At that time a condition was imposed so that the car parking spaces be retained for the parking of vehicles in general; the current proposal is not in breach of that condition but the vehicles being parked there could be related to the podiatry clinic rather than for the adjacent workshops. These car parking spaces can be used in general for employment uses on Ashweir Court rather than being tied to specific units. The fact that these spaces were being used to store a caravan would indicate that there was not a full demand for these spaces in any case and overall there would be adequate parking for both the workshops and the proposed podiatry business.

6.0 RECOMMENDATION: Approve

Conditions

1	The development shall be carried out in accordance with the approved plans
2	Before the building is first occupied the parking provision shown on the site plan at scale 1:200 on drawing 1235/2 Rev C September 2015 shall be available for use and shall be retained for the use of parking for the occupiers of the building, hereby approved, thereafter.
3	Before the building is first occupied the proposed access shall have a hard surface of concrete or a bituminous material for a minimum distance of 5 metres from the highway boundary.
4	The premises shall be used for medical consulting rooms and ancillary purposes only and for no other purpose (including any other purpose in Class D1 of the

	schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order re-enacting that Order) without the prior written approval of the Local Planning Authority
5	No surface water shall be permitted to drain from the site onto the adjoining highway or into the highway drainage system.
6	The under-croft area shown on drawing 1235/3 Rev. B shall be kept as an open void at all times and shall not be filled in or used for storage or any other use. Reason: to ensure the development does not displace flood water and contribute to flooding of nearby properties.

Informatives

Standard Bat Informative.

DC/2016/00883

MASTER PLANNED DEVELOPMENT OF 13.8 HECTARES OF LAND FOR RESIDENTIAL USE AND EMPLOYMENT USE; UP TO 266 PROPOSED RESIDENTIAL UNITS AND APPROXIMATELY 5575 SQUARE METRES of B1 FLOOR SPACE.

ROCKFIELD FARM, UNDY, NP26 3EL

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones
Date Registered: 15.08.2016

1.0 APPLICATION DETAILS

- 1.1 This application is for up to 266 dwellings and approximately 5575 square metres of employment land (Use Class B1). Policy S3 sets out seven strategic sites that will meet a substantial part of the need for new housing allocations indicated in the table accompanying Policy S2. This is one of those sites and is allocated under Policy SA5 for around 270 dwellings and for 2 hectares of serviced land for industrial and business development. The application is submitted as outline, approval is sought for access only with all other matters reserved.
- 1.2 The application site is located on the northern side of Undy between the Rockfield Grove housing estate and the M4 motorway. Its topography is gently undulating with the land falling either side of a ridge that runs through the site in a south-west to north-east direction. The site comprises five irregular shaped fields, with low-cut hedge boundaries, often with gaps. There are a number of hedgerows within the site and a woodland corridor, named Breezy Bank, situated to the west of the farmstead. This is recognised as a site of importance for nature conservation (SINC).
- 1.3 The 13.8 ha site is irregular in shape, measuring approximately 620m in length and 280m at its widest point. The boundaries of the site are defined by the M4 motorway, housing to the south and field boundaries to the west and east.
- 1.4 A minor adopted road, The Elms, runs northward from the Rockfield Grove housing estate through the centre of the site and currently provides the site's only means of vehicular access. To the south-west lies the village of Magor which adjoins Undy. The B4245 abuts the south-east corner of the site and further to the south runs the main railway line.
- 1.5 The land form of the site rises from around 10m AOD at the south-east corner (along B4542) to a high point of about 43m AOD at the south-west corner of the site, and slopes gently to the north.
- 1.6 The masterplan sets out the distribution of land uses which illustrate the extent and location of the built development area. It indicatively divides the site into 4 key areas that would see the residential area concentrated to the southerly part of the site due to the retention of the SINC and the requirement to provide a safeguarding area for the M4 Relief Road to the north. The residential area would also deliver 25% affordable housing units (67 units). The density of the development calculated on the net residential area (plus associated highway infrastructure and formal public open space) would give an

average density of 33 dwellings per hectare. It is indicated that the development would be compromised of a mixture of 2 and 3 storey dwellings.

- 1.7 Primary vehicular and pedestrian access will be taken from the B4245 at the south-east corner of the site by virtue of a new priority T junction. Within the site there will be new highway infrastructure including a new local link road that would join the new access at the B4245 to the western boundary whereby it would lead into the adjoining strategic housing site (SAH6) at Vinegar Hill. A number of pedestrian links are also proposed to be created including leading to The Elms to the south, the play area at Rockfield View to the west and to the allotment area to the eastern boundary.
- 1.8 As detail in Section 1.2 part of the site is designated as a SINC, accordingly a number of Ecological surveys have been undertaken including an extended phase 1 habitat survey (which highlighted the potential presence of legally-protected species badger, dormouse, owls, nesting birds and reptiles). Further ecological survey work undertaken in January 2016 confirmed the presence of badger setts within the SINC.
- 1.9 In addition a Tree Survey has also been submitted with the application, it noted that the majority of trees and groups are located around the edges of the site and should not be unduly affected by development proposals. The survey also highlights the presence of a mature oak tree covered by a tree preservation order (TPO MCC 223) located to the south west of Rockfield Farm and the Breezy Bank woodland corridor.
- 1.10 A Transport Assessment in support of the application has been received, the modelling work considered the likely impact of additional traffic associated with development of the Vinegar Hill site and the impact of plans to develop a new M4 relief road around Newport. The assessment looks at two options for providing access to the site from the B4245 - one being a priority T-junction and the other a three-arm roundabout. The results of the assessment indicate that a priority T-junction designed to the same standard as Rockfield Grove would operate within capacity in all scenarios.
- 1.11 Other supporting survey work undertaken includes an Archaeological Field Evaluation, Air Quality Assessment and Noise Assessment.

2.0 RELEVANT PLANNING HISTORY

DC/1994/00633 - Erection Of A Freestanding Lattice Telecommunications Mast/Pole Maximum 15 Metres In Height, On Top Of Which 2 No Omni-directional Antennae And 1 No Dish Antenna Will Be Installed. Refused 21/07/1994.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Planning Policies

- S1 – Spatial Distribution of New Residential Development
- S2 – Housing Provision
- S3 – Strategic Housing Sites
- S4 – Affordable Housing Provision
- S5 – Community and Recreation Facilities
- S12 – Efficient Resource Use and Flood Risk
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S16 – Transport
- S17 – Place Making and Design
- SAH5 – Rockfield Farm, Undy

Development Management Policies

H1 – Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
CRF2 – Outdoor Recreation / Public Open Space and Allotment Standards and Provision
SD2 – Sustainable Construction and Energy Efficiency
SD4 – Sustainable Drainage
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1- Nature Conservation and Development
GI1 – Green Infrastructure
EP5 – Foul Sewage Disposal
MV1 – Proposed Developments and Highway Considerations
MV2 – Sustainable Transport Access
MV3 – Public Rights of Way

4.0 REPRESENTATIONS

4.1 Consultation Replies

Magor with Undy Community Council – Recommends refusal, making the following observations.

General Amenities & Services

The Communities of Magor and Undy, over the last twenty years have had more than their fair share of development. In 1975 The “Magor and Undy - Expansion of Two Villages” document was produced by the former Gwent County Council, and later adopted by Monmouthshire County Council. It stated that in 1969 a detailed village plan was prepared so that forethought could be given to the services needed as the population of the villages increased from 1,000 to 5,000. To quote “The plan further provided for the villages of Magor and Undy to grow into one well planned community in such a way that urban sprawl is avoided and the attractive rural setting of the villages is respected”. This has certainly not been the case, and there are no more facilities here now than there were 30 or 40 years ago when the population was closer to 400. The community is lacking in public amenities, services and highway infrastructure. It still has inadequate car parking available adjacent to the village hub, a lack of parking at nearby railway station at Rogiet, no railway station of its own, inadequate public transport e.g. buses. There is no pedestrian/cycle track to Rogiet. The Doctor and Dentist Surgeries are full to capacity, and the provision of facilities to the Elderly and especially statutory Youth provision is greatly lacking and failing, not to mention a lack of general amenities e.g. supermarket, library, leisure/community centre, as well as the lack of burial space and the capacity within the Dwr Cymru Welsh Water infrastructure to dispose of foul waste. Whilst the Unitary Authority is currently investing in a 21st Century School at Caldicot, both the Magor and Undy Primary Schools are full to capacity.

Green Public Open Space

The proposed site covers an area of approximately 13.8 hectares of prime agricultural land with a classification of between 3a and 3c. The Ashley Godfrey Report (2008) criticised the lack, and deficiency of green space for public use, and the lack of leisure facilities in Magor and Undy. This has not changed. If this deficit cannot be remedied now, it is unlikely to be remedied when in excess of 55 acres of green fields are devastated for the purpose of developing houses and light industry.

The Community Council note that the 'buffer zone' of amenity land (between Rockfield Way and the new development) as shown on the initial plans during your public consultation in June 2015 appears to have disappeared from the current proposals. Why? The provision of green public open space is essential to the Health and Well-being of any community. Why have Monmouthshire County Council continually eaten away and the available green public open spaces available to the community of Magor with Undy? Is Monmouthshire County Council going to make available an alternative Green Public Open Space? Where?

The Council has certainly not made allowance for it within this new development.

Traffic Management & Noise

The building of a further 266 dwellings (plus what can be expected at Vinegar Hill) in the community of Magor with Undy would put increased pressure on the B4245 the SAR and M4 junction 23A, as well as other road in the villages. Overall this could mean a further 800 -1000 cars in the vicinity, which would only serve to exacerbate the situation for traffic joining/leaving the B4245 and increase the traffic flow along the B4245.

The Community Council believe that the plans submitted do nothing to quell the fears of the public regarding the access/egress of traffic onto the B4245. This is a particularly problematic corner of the B4245 where traffic travels at excessive speeds on the westbound highway around the corner. The siting of the entrance to the new development will cause similar problems now on the eastbound highway. What plans are there to manage the access/egress of traffic at this point? Are there plans to install a traffic light system? Will there be a pedestrian crossing facility? How will any proposals impact on the current access/egress to Rockfield Grove and Church Road? Increased traffic on the B4245 will have a detrimental effect on pedestrian safety, in particular the Safe Routes to School. There are already concerns for safety on the B4245 Westbound pedestrian footway at Little Hill, as well as concerns for cyclists (and pedestrians) connecting with Severn Tunnel Railway Station at Rogiet along the B4245 following the failure of Monmouthshire County Council to secure funding to put in place a much needed pedestrian/cyclist route along the B4245 between Magor and Rogiet Even back in 1975 a 'by-pass' was promised to alleviate the B4245 of through traffic. However, the plans submitted for consideration appear to now exclude the original proposal for a 'by-pass' as mentioned by yourselves at the planning inquiry. Has this by-pass now disappeared from the plans due to lack of funds?

Councillors note too, that the siting of the proposed B1 employment use land has been changed. This new proposal, as set out in your plans, will mean that any traffic/deliveries for the employment units will have to traverse the residential units first. This is not ideal, and would only add to issues with Safe Routes to School, pedestrian safety and access/egress onto the B4245.

Councillors understand that following the noise assessment, part of the site is a category E. This is unacceptable for a residential area.

Environment, Historical Value

Councillors note that the Unitary Authority as both the "Planning Authority" and the "Developer" has undertaken various environmental studies. Will the Unitary Authority take on board on the comments contained within the reports? Will the Unitary Authority ensure that all dwellings are 'bat friendly'? Will they ensure all recommendations are taken on board?

The Unitary Authority is also undertaking various archaeology investigations. What are the plans of the Unitary Authority should a significant discovery be made on this site? It must be borne in mind, that Rockfield was an ideal place (high solid ground) for a settlement prior to the Gwent Levels being drained by the Romans i.e. within access

to the 'water and trade highway' of the Severn Estuary whilst being out or reach of flooding by the same. There have been recent 'Roman' finds in the area, and among the older members of the villages there have been tales of other, perhaps older, settlements. What are the plans of the Unitary Authority should there be any finds made? Will the Unitary Authority discuss any finds with the Community Council, and to how best preserve and/or record? Will members of the public be afforded the opportunity to see for themselves? Or will the presence of any finds just be recorded by the archaeologists prior to being covered back over before being built on?

SECTION 106 AND/OR COMMUNITY INFRASTRUCTURE LEVY

No indication has been made within the plans as to the provision of s.106 monies or the new CIL monies, apart from the indication that Adult recreation (pitch sports) is 'assumed off-site'. As both Planning Authority and Developer at present surely the Planning Authority has some indication of whether s.106 and or CIL will be available and as to its usage.

Layout of Site

Firstly, the siting of the B1 area is not conducive to effective planning – deliveries will need to travel through residential area before reaching their destination.

Community Open space is proposed at less than 0.27 hectares. This is not acceptable for a community that already has less than the recommended amount of green open public space.

Children's play areas proposed within the housing complex are for an area of 0.53 hectares. Small, inadequate children's play sites do not work, and ten years down the line are a problem to maintain to high standards. Monmouthshire County Council Direct Services have already experienced this problem. It would be far better to consult with the Community Council about enhancing strategic play park sites.

Making the most of, and improving the sites that are already within the community, and utilising one larger concentrated site within the new development.

Adult recreation (pitch sports) is noted as 'assumed off-site'. Where? What? When?

The whole proposed site does not show any connectivity to the rest of the villages apart from the access/egress onto the B4245 and on to the Old Elms Road.

Councillors note that the design and access statement indicates that there will be residential dwellings of both 2 and 3 storey in height. There are no proposed single storey residential dwellings. The proposal for 3 storey buildings on what is already elevated ground will have a detrimental visual impact on the development making it stand out against the skyline, setting it apart from the character of the existing neighbourhood. This could result in the development appearing over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity. It would further adversely affect the residential amenity of existing neighbouring properties.

The proposal appears to be of unacceptably high density and possibly overdevelopment of the site which could have an impact and adverse effect of the preservation, protection, character and appearance of the nearby Site of Importance for Nature Conservation.

The Community Council feel that the Unitary Authority with its 'developers' hat on have made several changes to the proposals it went out to consultation to the public with in June 2015. At that time members of the Magor with Undy Community were promised a further consultation and drop in session. This has not happened. Is it time to undertake further drop-in sessions for members of the public, indicating the changes that have been made to the original plan. A drop-in session with a model of the proposed site would be beneficial not only to members of the public, but to members of the Community Council too.

The Community Council trust that the Unitary Authority will, with their 'dual' hat on take into consideration the questions asked, and the comments made herein.

The Community Council believe that development of this site cannot take place until such time that the necessary amenities, services and infrastructures are put in place. To build the development without first putting in place the structure required to sustain the development would be like putting the 'cart before the horse'.

The Community Council cannot therefore support this outline planning application presently as there are no firm plans in place to develop, put in place and/or improve the various amenities, services and infrastructures prior to the building going ahead, and there are still questions unanswered.

MCC Planning Policy – provided the following comments:

The site is allocated in Policy SAH5 of the Local Development Plan for around 270 dwellings and 2 hectares of serviced land for industrial and business development. Strategic Policy S4 relates to Affordable Housing Provision and states that in Severnside Settlements there is a requirement for 25% of the total number of dwellings on the site to be affordable. While the application relates to 266 units it is noted there is an existing dwelling on site, the net gain is therefore 265. The provision of 66 affordable units relates to 25% of 265 and therefore complies with policy S4 and SAH5 in principle.

The inclusion of 2ha to provide 5575m² B1(b) Research and Development complies with criterion (b) of SAH5 in principle. The S.106 agreement must include details of this to ensure this does relate to serviced industrial and business land.

Strategic Policy S13 relating to Landscape, Green Infrastructure and the Natural Environment is of importance. Policy LC5 relating to the protection and enhancement of landscape character must also be considered, it is noted a LVIA has been included with the application. Additionally Policy GI1 should be referred to in relation to Green Infrastructure (GI). Information relating to GI has been submitted as part of the master plan report/design and access statement. The GI team will no doubt provide more detailed comments in this relation to these matters. There is a SINC located within the site, it is noted the masterplan provides additional formal open space in this locality complying with criterion (c) of Policy SAH5. Policy NE1 relating to Nature Conservation and Development must also be considered, it is noted an extended Phase 1 habitat and species assessment has been undertaken, liaison with the Councils Biodiversity Officer is advised in relation to this.

Policy DES2 relates to Areas of Amenity Importance. The site extends to the south of the allocated SAH5 site boundary into an area of DES2 land. The majority of the DES2 land in this location is private farmland with no public access and no logical boundary. The land does not fulfil an amenity role, it was previously included as a buffer between the edge of the settlement and the indicative Magor/Undy By-pass link. There is no justification for this buffer to continue to be designated as an Area of Amenity Importance. In addition to this in relation to the adjacent allocation at Vinegar Hill the LDP Inspector stated in para 6.59 of the Inspector's Report that 'The southern margin of the site is currently designated as an Area of Amenity Importance and thus subject to Policy DES2. This designation was made, at least partially, to provide a buffer for the safeguarded route of the B4245 Magor/Undy By-Pass. It is now intended that this would take a meandering and traffic-calmed course through the site and that the need for a buffer would thus be negated (IMAC13)'. Further to this the Council provided similar comments on this issue in the Vinegar Hill Examination Statement, para 6.3 noted 'It is recognised that the development of the site will result in the loss of an area of amenity open space. However, open space and green space will be incorporated in

the development. Provision for open space will be sought in accordance with the standards set out in LDP Policy CRF2 Outdoor Recreation/ Public Open Space/ Allotment Standards and Provision. Landscaping / planting will also be incorporated into the site making an important contribution to the provision of green space in the development. With regard to the area of amenity open space acting as a buffer to the proposed by-pass, it is anticipated that this road would be routed through the site with a sinuous and traffic calming design, therefore reducing the need for the buffer.' Similar considerations apply in relation to this allocation. It is considered, therefore, that there is no conflict with Policy DES2. It is also relevant that Magor has a surplus of public amenity open space when assessed against standards, although there is a deficiency in pitches for outdoor sport.

Policy CRF2 should be considered relating to outdoor recreation/public open space/allotment standards and provision. The policy requires outdoor playing space at a standard of 2.4 hectares per 1,000 population and 0.4 hectares of public open space per 1,000 population. It is noted that a total area of 0.8 hectares of open space is included in the proposal in the form of open space and children's play, which complies with the standard. The table on page 39 of the Master Plan Report/ Design and Access Statement notes that 1.06ha is required for pitch sports and it is assumed this will be provided off-site. Criterion (e) of Policy SAH5 states a S.106 should include provision for making an enhanced financial contribution to community facilities in the Magor/Undy area in addition to standard requirements. Financial contributions will be needed in lieu of on-site provision of outdoor recreation facilities. In addition, the last paragraph of Policy CRF2 also states that any development exceeding 50 dwelling units per site, should make provision for allotments if required in accordance with the standards set out in the policy. This has not been considered within the application. Colleagues in the landscape/recreation team will no doubt provide comment in relation to these matters. Again, these are matters that will need to be considered in any planning obligation / heads of terms.

Strategic Policy S17 relating to Place Making and Design should also be considered along with Policy DES1 in relation to General Design. Criterion i) of DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land. While the site extends to the south of the original allocation the residential element relates to approximately 35 dwellings per hectare satisfying criterion i) of Policy DES1 in principle.

Policy EP1 relating to Amenity and Environmental Protection should also be considered most notably in relation to noise, the residential areas are suitably positioned away from the motorway.

Policy MV1 should be referred to with regard to access and car parking. Policy MV2 relating to highway considerations and sustainable transport access is also of relevance. Policy MV2 states that, where deemed necessary, financial requirements will be required towards improvements in transport infrastructure and services, in particular to support sustainable travel links / public transport, cycling and walking. Criterion (d) of Policy SAH5 also states a S.106 agreement will be required for provision for any necessary off-site highway improvements to the highway network through Magor/Undy in addition to standard requirements. This matter must be considered in any planning obligation / heads of terms. It is noted a Traffic Impact Assessment has been submitted and colleagues in the highways section have commented on these matters. It had been anticipated during the LDP process that impacts on the B4245/ East Facing Steelworks Road Slips (roundabout) junction would require the provision of a signalled junction in order to comply with criterion (d). If the

TIA is indicating that this is no longer a requirement then there would be no conflict with criterion (d).

Policy MV10 relates to the safeguarding of a route for the Magor/Undy By-pass, the route of which runs through the allocated site. Criterion f) of Policy SAH5 also requires the safeguarding of this route. It is noted that the TIA concludes that 'The assessment has also demonstrated that safeguarding a route for a Magor/Undy by-pass to the south of the site as set out in the LDP is not necessary to facilitate the Rockfield Farm development in any of the development scenarios tested.' Compliance with this element of criterion f), therefore, would no longer be required and the extension of the site to the south of the original SAH5 allocation into this location is considered acceptable.

Policies SD2 and SD4 relating to Sustainable Construction and Energy Efficiency and Sustainable Drainage respectively must also be considered. Policy S3, Strategic Housing Sites, requires that any detailed application for development shall include a feasibility assessment for suitable renewable energy and low or zero carbon technologies that could be incorporated into the development proposals. This information is not contained within the application.

Finally, the Council is currently progressing the implementation of a Community Infrastructure Levy (CIL). At present it is envisaged that CIL could be adopted in Spring 2016. If the planning application is successful and approved after the adoption of CIL then the development could be liable to the payment of a CIL charge, in this location the proposed CIL rate is £80 per square metre. Should planning permission be granted after the adoption of CIL then it is accepted that Section 106 contributions will need to be reconsidered.

MCC Recreation – Provided the following observations:

The starting point for asking for developer contributions is the attached report approved by elected members in February 2015 – based on this the off-site recreation contribution would be £892,620 (285 units x £3,132 per unit) and the off-site play contribution would be £228,000 (285 units x £800 per unit).

To the best of my knowledge the only other strategic development site identified in the LDP that has been granted planning permission pre-CIL is the Wonastow Road development. The off-site recreation contribution from that development (based on the attached formula) is £1,013,000 for 350 houses, and the play provision is in excess of £300,000 - so the above figures for Undy are along the same lines as an already approved application in respect of an LDP strategic site. In that respect a precedent has been set. This formula was also used to determine the off-site contributions for the Kingfisher Rise development in Undy and we have also used the evidence from the open spaces study to ask for contributions from Coed Glas and Mulberry House in Abergavenny in recent months.

I accept that it would be unreasonable to ask for contributions of this magnitude if there was a surplus of off-site recreation and play facilities, but the evidence shows that there is a large shortfall in off-site recreation provision and a shortage of play provision in Magor and Undy. This evidence comes from the Open Spaces Study undertaken on the Council's behalf by Ashley Godfrey Associates specifically to support the LDP. I have again set out in summary form the findings of the open spaces study in relation to Magor with Undy:

Provision	Surplus/Deficiency
Public Open Space	Deficiency of 0.19 hectares
Outdoor Sport	Deficiency of 5.8 hectares

Natural/Semi Natural Greenspace	Surplus of 4.4 hectares
Equipped Play	Deficiency of 1.25 hectares
Informal Open Spaces	Deficiency of 0.80 hectares
Allotments	Deficiency of 1.12 hectares

This information has been available to all departments of the County Council since the study was produced in December 2008 and I would have thought that this would have been taken into consideration when submitting the application for the Rockfield Farm site.

In terms of the legality of asking for contributions, we have always taken the three S106 “tests” into consideration when requesting contributions. I have set out below some comments on each of the three tests:

Necessary to make the development acceptable in planning terms

It is accepted by the planning authority, based on a study undertaken to help justify the choice of strategic sites for inclusion in the LDP, that there is a significant shortfall in open space provision in Magor with Undy. Translated this means there is a shortfall of 5.8 hectares in terms of outdoor sport and 1.25 hectares for equipped play. The shortfall of 1.12 hectares in allotment provision identified by the consultants back on 2008 can be disregarded, as they failed to take into account the allotment provision on land adjacent to Rockfield Grove, so there is in our view adequate provision for allotments currently in Magor with Undy.

The development of 285 houses on the Rockfield Grove site will increase the population of Magor with Undy by approx. 11.7%, therefore this will significantly exacerbate the pressure placed on the existing open spaces in the local area (identified in the above table), of which there is an evidenced shortfall. It is therefore entirely reasonable for the LPA to ask for a contribution to improve existing outdoor sport and play provision to cope with the increased population produced by the new houses proposed.

Directly related to the development

This is partially covered by the above comments – there is a significant shortfall in existing provision and as a direct result of this development, if it is granted planning permission, the effect of that shortfall will be increased with over 700 new residents that will place still further pressure on an already significant shortfall in off-site provision.

If, as again I think it is reasonable to project, the new development involves an increase in the number of active adults and of children and young people living in the locality, then the existing sport and play facilities should be improved to help deal with this additional pressure. For that reason, I have suggested identifying the sites where the funding requested should be spent and all of these sites are within easy walking/travelling distance of the development site at Rockfield Farm.

You mention the Three Fields Site in your email – I have included this as one of the “beneficiary sites” from the Rockfield Farm site as per my attached email.

Fairly and reasonably related in scale and kind to the development

As we have identified a shortfall in provision for both adult recreation and play in the local area it seems reasonable that facilities to satisfy any increased demand should be met on the application site – but I doubt that this would be acceptable to the applicant as it would reduce considerably the number of houses proposed – which I note is an increase in the allocation made for this particular site in the adopted LDP. The proposal to direct the recreation and play contributions to improving existing

facilities off-site in the vicinity of the development is therefore both fair and reasonable and in scale with the size of the development proposed.

It may be worth noting as background information that there has been a significant and planned expansion of both Magor and Undy in the years 1974 – 2016 and there has been an acceptance by successive planning authorities that the increase in sport and community facilities has failed to keep pace with the scale of residential developments that have taken place to date. The general feeling is, therefore, that the local population has been “short changed” by this failure on the part of successive planning authorities to ensure there is an adequate supply of community facilities to serve one of the fastest growing centres of population in South East Wales. It therefore seems equitable to request the owners/developers of the Rockfield Farm site to make provision for increases in off-site recreation and play facilities in line with the Council’s accepted policy.

My earlier email suggested a compromise in the amounts to be requested as part of this development and I’m sure that this will be accepted by the two local members concerned but any further reduction in the amounts proposed will I am sure be resisted both by members and by the local Community Council.

In summary, therefore, my suggestion is that the following requirements should be built into the S106 heads of agreement if the LPA proposes to approve the submitted application:

Category	Type	Sub Total	Total
Equipped Play Provision	On site provision	75,000	
	Off-site contribution	100,00	175,000
Adult Recreation Provision	All off-site contributions		850,000

MCC Transport Planning & Policy – Provided the following observations:

Overall the site offers the opportunity to achieve modal shift from single occupancy car use through measures to improve accessibility by sustainable travel means.

Public Transport

As it stands the development is not served well by public transport. As set out in the Transport Assessment there is no rail service in walking distance and the cycle route to the nearest rail station is not good. The main local bus service is only hourly with no evening service, with parts of the development well above 400m walking distance from the nearest bus stop.

Better access to the rail system is required to enable sustainable access to the key regional job markets of Cardiff and Bristol. As noted in the transport assessment the proposed new station for Magor & Undy could provide this. The cost of delivering the new station is currently estimated at £7m, and as the new development would contain about 10% of the future Magor-Undy population, a section 106 contribution of up to £700k towards the cost of progressing the section to delivery would be reasonable.

In terms of bus services, the existing bus service is too far from the parts of the development, and would not be seen as attractive. The development should be designed to enable a through bus service to operate, connecting the new development with Rogiet and Caldicot in the east and through the adjoining Vinegar Hill development and along Dancing Hill with Magor town centre and Newport in the west. The masterplan should indicate the proposed routeing for a bus service plus location of bus stops to minimise walking distance to stops and maximise accessibility. An hourly

Mon-Sat daytime service is estimated to require about £70,000 revenue per annum, as there are two planned new developments that would be served by the service a contribution of up to £175,000 over 5 years to develop the route and build patronage would be reasonable.

Active Travel

The transport Assessment makes reference to design to current standards and proposed walking and cycling measures. Clarification is needed whether this means the design is in line with the Active Travel Act Design Guidance. The Design and Access Statement specifically refers to the Manual For Street, the Active Travel Act Design Guidance clarifies that while local authorities may also consider such guidance, advice contained within the Active Travel Act Design Guidance takes precedence.

It is good to see the Transport Assessment reviewing the Existing Routes Maps (now accepted by Welsh Government), though as shown there is little in Magor & Undy that passed the audit. It would be useful if the Transport Assessment could also show the routes used for measuring distance to local amenities (paragraph 3.8) and to ascertain where those routes fell short of the standard set out in the Active Travel Act Design Guidance (i.e. undertake audits). The work previously undertaken by MCC may be helpful in this and can be made available.

The Transport Assessment already identifies the lack of path along the B4245 between Undy and Rogiet as a key issue. I would expect there to be further (much smaller) issues between the development site and some of the other named facilities. The development should provide an appropriate section 106 contribution towards bringing the routes up to standard. While it is difficult to put a cost on this, it should not cost more than £100k. The cost of the Magor/Undy-Rogiet footpath is estimated at £350k, as this will be mostly used by residents closer to the Rogiet-end of the Magor/Undy,, a contribution of £70k would be reasonable.

The development should also include direct, high-quality walking/cycling link to Rockfield View and Old Stone Lane.

MCC Education – Provided the following observations:

Our processes would indicate that the 270 dwellings at Rockfield Farm could generate 59 pupils. Within the catchment area we also have Vinegar Hill development (225 dwellings) which we would anticipate could generate 49 pupils. So the potential for 108 pupils from both developments.

Undy Primary is currently working on a capacity for 359 pupils, and there are currently 278 children on roll. This capacity is calculated on the basis of the 12 classrooms / teaching spaces currently being used by the school.

However, Undy Primary does have a potential capacity for 420 pupils through an addition two demountable that are on site. These demountables are not currently being used by the school for teaching purposes – I believe one is being used by a play group (private setting) and the other is a music room. I'm not sure what the suitability of these rooms are if they were to be reinstated as classrooms – Simon / Richard, have you had the opportunity to look at this?

With the Rockfield Farm and the Vinegar Hill Developments, we anticipate that the School could reach 414 on roll by 2021 so the 2 demountables would need to be brought back in as classrooms. As previously mentioned, Simon and Richard lead on

the S106 contributions for CYP so they will need to advise, but my thoughts would be that claiming s106 would be dependent on the suitability of these demountable spaces.

In terms of the query from Councillor Taylor, yes we would need to consider Magor Primary School which does have capacity to accommodate additional children – they have approximately 295 pupils on roll and a capacity for 388 pupils. The two developments appear to be within a reasonable distance to Magor School, although we would need to respect that it is a Church In Wales School and not all parents would wish for their children to be educated through these means. Magor would however be able to accommodate some of the additional children generated from the developments if needed.

MCC Highways – Have no objections subject to condition, providing the following observations:

Transport Assessment – Traffic Impact

The Transport Assessment submitted in support of the application has been the subject of detailed discussion with the applicant and the applicant's consultant to ensure that the impact of the proposed development is suitably assessed. As requested the transport assessment has considered the impact on the local network (B4245 and local junctions) on the basis of with or without the M4 Corridor around Newport, the historically protected Undy / Magor By-Pass (Policy MV10) and the requirement to provide an east -west link to the adjacent Vinegar Hill Site (Policy SAH6).

The transport assessment has specifically modelled and tested a number of development scenarios and the outcome is that whatever scenario is taken forward then the impact on the local highway network (B4245) and key junctions is minimal and the development can be accessed via either a priority T junction on the B4245 as detailed on Drawing No. 7008501/101 General Arrangement.

I therefore offer no objections to the proposal from a traffic impact perspective subject to suitable conditions imposed to control the design and construction of the means of access.

Transport Assessment – Connectivity / Permeability

The transport assessment has been developed to take account of the need to provide connectivity between the application site, the adjacent LDP allocation at Vinegar Hill (Policy SAH6) and the B4245, the transport assessment and development master plan indicates the proposal and has demonstrated that the provision can be adopted and implemented enabling transport permeation.

The provision of the east to west link between the developments will therefore need to be further considered and controlled during the implementation and delivery of the allocated LDP development allocations.

Means of Access – B4245

The proposed means of access as assessed and as detailed on Drawing No. 7008501/101 General Arrangement, Appendix H Transport Assessment is acceptable in principle, however the means of access will be subject to detail design, safety audit and technical audit / review and will be required to be constructed prior to the commencement of the development due to the strategic nature of the B4245. The proposed junction will be required to be carried out subject to a S106 agreement and the applicant / land owner entering into Section 278 Agreement, Highways Act 1980

with the Council as Highway Authority. It is essential therefore that appropriate conditions are sought to secure this requirement.

Parking Provision

It is noted that the applicant has evaluated the parking provision in accordance with the Monmouthshire Parking Standards and will provide one parking space per bedroom up to a maximum of three spaces for residents.

Sustainable Transport

Walking / Cycling

The transport assessment has considered the walking & cycling requirements and it is recognised that the development and the master plan will be developed further to provide facilities and accessible links to promote walking and cycling. It is also recognised that pedestrian facilities beyond the proposed development in particular along the B4245 towards Rogiet / Caldicot are lacking and identifies that improvements are required to provide sustainable linkages between Magor/Undy and Rogiet/Caldicot.

Public Transport

It is recognised that the development has bus services and bus stops are available on the B4245 within 200 metres. It is essential and will be a requirement that the development be served by a local bus service and the internal highway network and link to the adjacent LDP allocated site known as Vinegar Hill (Policy SAH6) should be designed to accommodate this requirement.

It is recommended that the Councils Transport Planning and Policy Manager is consulted to offer further advice and comment.

Personal Injury Collision Data

The personal injury collision data has been reviewed with no recorded accidents and collisions occurring in the immediate vicinity of the proposed means of access the review also has identified that there is an existing road safety concern on the B4245.

Internal Layout

The submission of the Master Plan Report and Access Statement dated July 2016 and Drawing Nos. 02 Development Framework & 03 Indicative Master Plan clearly demonstrates that the design principles being adopted will create an environment that will be safe and suitable for all, namely;

Main access route passes through the site from the B4245 to connect with Vinegar Hill strategic development site (policy SAH6)

Primary Roads and Local Street

Pedestrian Priority Streets

Key Pedestrian / Cycle Links

Re-aligned Public Rights of Way

Parking in accordance with the councils adopted Parking Standards

The Elms, an existing unclassified lane, will be required to be re-engineered and traffic orders implemented to create a safe and manageable link for both walking and cycling between the proposed development and the existing Rockfield Grove development but at the same time restricting vehicle movement. It will also be a requirement that Elm Road is retained and improved where it form an integral part of the estate road layout providing access to the residential development and maintaining access to existing

properties and communities to the North of the M4. The requirements to facilitate this requirement will be subject to further detailed negotiation and agreement and will be subject to the owner entering into a Section 106 and subsequent S278 Agreement, Highways Act 1980 with the Council as Highway Authority to carry out the necessary highway improvements. It is essential therefore that appropriate conditions are sought to secure this requirement.

Construction Plan & Construction Traffic Management Plan

It is inevitable that a development of this scale will during the establishment and construction phases create some inconvenience and disruption to existing residents and road users. It is therefore necessary for the applicant and subsequent developers to consider the impact of the development and submit their proposals to reduce the impact of the construction activities on the local environment and community.

Surface Water Management

Monmouthshire County Council are the Lead local Flood Authority for the proposed development. It is noted that a Drainage Strategy July 2016 has been submitted in support of the application.

Although the proposal and the strategy is still at the preliminary stage, generally, I would agree with the strategy for the management of surface water on the site due to the varying ground conditions, topography and lack of existing surface water features (drainage ditches /watercourses). The use of different methods of controlling surface water on a site location basis, the use of pot soakaways, permeable surfaced private drives & car parks, swales etc is duly noted and welcomed and is generally in accordance with the Recommended non statutory standards for sustainable drainage (SUDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems, January 2016.

At this time, the preferred option to manage the majority of the site surface water runoff is to attenuate and discharge at the pro rata Q_{bar} rate, however whether a suitable means of discharge is readily available at this time is still to be determined it is therefore necessary for the applicant to carry out further detailed analysis and investigation to identify and substantiate an appropriate point of discharge to the local drainage land drainage network, Pratt Reen.

The Recommended non statutory standards for sustainable drainage (SUDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems, January 2016 state it is vital that adoption and management arrangements for SUDS infrastructure and all drainage elements are agreed with the local authority (LLFA) or sewerage undertaking at the planning stage.

Generally it should also be noted the surface water management strategy has not identified whether the surface water sewers will be for adoption by Dwr Cymru / Welsh Water, generally for surface water sewers to be considered for adoption the adoption is reliant upon the receiving attenuation/ storage ponds being adopted and maintained by the Council for perpetuity and the applicant will be required to dedicate the land and provide a commuted sums to manage and maintain the ponds.

It is recommended than any planning decision is subject to appropriate conditions to ensure that the development does not commence until the strategy has been developed and approved and the status of the on-site sustainable drainage systems and surface water sewers has been agreed.

MCC Green Infrastructure (GI) Team – Provided the following observations:

The proposal submitted and the LVIA and DAS represents a positive development to the integration of GI in this project and the GI team welcome the principals identified however we feel that this hasn't gone far enough and the following issues need to be addressed;

As stated in the Landscape response the Indicative Masterplan and the Development Framework should be brought together in 2 plans retitled GI Masterplan and GI development framework.

The GI Masterplan should include;

- Only entrance and exits – all internal roads (excluding elms lane) to be removed.
- Footpaths and cycle routes included.
- Green corridors including accessible green corridors identified.
- Landscape/GI infrastructure to be defined– confirmation all fall outside of private ownership.

The GI development Framework should include;

- Development zones
- Design goals to be included for each of the zones this should include maximum heights of development and massing and scale of development together with good quality urban design principals relating to the public realm and quality of the units in the different zones. Action Points 1-6 of the Landscape response will be relevant to this as well.
- Phasing of development and how this relates to the GI infrastructure e.g planting buffers, avenues of trees, green corridors footpath access, informal play areas, woodland, suds and open space areas. There will need to be a clear strategy for implementation to ensure that appropriate mitigation and GI infrastructure is provided for new residents if certain parts do not come forward the site.
- Management of all these areas needs to be clearly set out and defined in relation to the phasing of the areas, the principals of which will need to be established at outline to enable the detailed delivery of the GI management Plan at reserved matters.

The site has a number of Key assets which need to be embraced further of particular significance is ;

1 Breezy Bank SINC which will provide an important resource for the new residents and a unique selling point for developers. A balance will need to be established between public access and use of the woodland by biodiversity and therefore key areas of access and less disturbed areas will need to be considered along with site interpretation and a management plan the latter is something which needs to be considered for the whole site.

2 & 3 Greater accessibility throughout the site in the form of accessible green corridors which connects with Breezy bank Woodland the Suds, the adjacent allotments and a route through to formal and informal play areas.

4 Public access throughout the site should embrace where appropriate and achievable, cycle routes together with formalising access to assets such as the allotments, existing adjacent residential communities and the option where negotiations allow to the field to the west of Zone D should the new M4 proposal come forward.

5 Formal and informal play should be better integrated – the GI Masterplan should clearly identify where the formal play area is to be established and then the role of

informal play areas and how they are accessed and can be used should be set out in the design goals for each of the development zones.

Note :In order for the following condition to be able to be properly implements the Landscape and GI infrastructure and phasing needs to be clearly defined and agreed.

MCC Biodiversity – Provided the following observations:

The application for the proposal is informed by ecological assessments:

Rockfield Farm, Undy, Monmouthshire An Ecological Survey Report by Just Mammals Consultancy LLP on behalf of Monmouthshire County Council dated February 2016

Rockfield Farm, Undy, Monmouthshire An extended Phase 1 habitat and species assessment and bat and bird survey by Just Mammals Consultancy LLP on behalf of Monmouthshire County Council dated August 2014

Rockfield Farm, Undy, Monmouthshire A report following a survey for dormouse presence by Just Mammals Consultancy LLP on behalf of Monmouthshire County Council dated January 2015

The surveys and assessments provide enough information, at this time, to make a sound planning decision.

The application is Outline in detail but provides a Development Framework and Masterplan to identify the delivery expected for green infrastructure including things such as habitat to be retained, buffer strips and new habitat. We need to be satisfied that this will be delivered be securing these elements of the framework.

Priority Habitats

Breezy Bank SINC is situated at the site LDP policy NE1 is therefore relevant and must be addressed. This will need to be safeguard and protected during the development process and carefully managed to ensure that its integral value is not degraded with increased public use in the future. The ecological buffer is welcomed and must fall outside of private ownership and be included in a Green Infrastructure Management Plan for the site. A construction environment management plan (CEMP) will be recommended as a means to safeguard this and other biodiversity during development.

The hedgerows are also considered to be priority habitat that will provide connectivity value at the site. These vary in quality and inevitably will be degraded as the result of the development, however, many will be retained and additional planting is indicatively shown. Retained habitats will need to be protected during development and this together with new planting should fall outside private ownership in the future.

Bat assessment of the existing buildings was undertaken in 2014. From the description, most of the buildings are unsuitable as bat roosts. However, should substantial time passes prior to the commencement of works, the buildings should be resurveyed and it is recommended that a planning condition is used to secure this.

Bats foraging at the site include the priority species; noctule, common pipistrelle and soprano pipistrelle. The amount of habitat available to them should not decrease and new habitat opportunities e.g. associated with the SUDS should be beneficial. Whilst these species are not known to be particularly sensitive to lighting whilst foraging, lighting changes the behaviour of these species making them more vulnerable to

predators such as owls. Lighting should therefore be designed to reduce light spill with particular consideration for wildlife including bats. A planning condition shall be used to secure this submission with Reserved Matters applications.

Nesting birds

The tawny owl site should be reassessed prior to submission of the reserved matters relevant to this part of the site to identify the extent of use and to inform mitigation proposals. The location of boxes for this and other nesting bird compensation should be included in the submission(s). A planning condition will be needed to secure this.

Badger

Badgers are a protected species and a detailed assessment has been undertaken. A construction environment management plan condition will be recommended and a detailed method statement for badger shall be a requirement of this.

MCC Landscape – Provided the following comments:

The site is situated on the edge of Undy located on rising land known locally as Vinegar Hill overlooking open countryside. It is bounded to the east by green wedge and overlooks the Gwent Levels a landscape of outstanding historic interest to the south and beyond to the Severn Estuary. It is identified by LANDMAP as being of high value for part of its historical and geological aspects and moderate value for its visual and sensory and landscape habitats and of low value for its cultural aspect area. The Monmouthshire Landscape sensitivity and capacity study has identified the site (a proposed candidate site CS/0249) as of high/ medium sensitivity with the part of the site in which the development sits being of medium sensitivity due to the degraded urban fringe character. The housing capacity has been identified as of medium capacity and development acceptable so long as a suitable buffer was maintained with the M4 and development was avoided on the skyline.

The proposal impacts upon the following LDP Development Policies ;

LC5 Protection and Enhancement of landscape character

LC6 Green Wedge

GI 1 Green Infrastructure

DES 1 General Design considerations

DES 2 Amenity Open Space

CRF2 in relation to the provision of outdoor recreation and allotments.

The LDPs Inspectors report has identified that ;

“Whilst the allocations indicate that the principle of residential use site is acceptable, in sensitive landscapes proposals would be subject to Policy LC5. A landscape assessment would be required and the detailed proposal only permitted if it did not have an unacceptable adverse effect on the special character of the landscape. Policy DES1, which sets out general design considerations for all development, would also apply; it includes the need for landscaping which takes account of the appearance of the existing landscape and its intrinsic character.”

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

In terms of Green Infrastructure I feel this could have been explored further – no GI assets and/or opportunities plan has been submitted in either the DAS or the LVIA. Nevertheless the GI principals are positive and these are supported however they do

not come across strongly in the Indicative Masterplan and Development Framework. I have considered the scheme and the following comments in combination with the separate GI response considers how GI may be better integrated.

The LVIA which includes a cumulative visual impact assessment and supporting viewpoint analysis and photomontages is a comprehensive assessment and I welcome such a thorough approach. The findings in the LLCA assessment have helpfully highlighted sensitive issues in terms of change of character, visual and cumulative impact which have helped inform the following observations and recommendations for action ;

General

The Indicative Masterplan and the Development Framework should be brought together in two plans . All roads and housing layouts to be removed only entrance and exits, development zones, footpaths and cycle routes and the landscape infrastructure to be included. Design goals to be included for each of the zones. Details of these requirements are set out in the GI response.

1 Elms Lane in the LVIA has been identified as being susceptible to significant change due to the desire to introduce new vehicular access points; this in combination with the cumulative impact of the proposed development and the M4 proposal will lead to a substantial adverse effect on the character of the road. In addition the assessment of visual impact has clearly identified the road as a sensitive location where its rural character is important and helps set the context for wider views towards the Gwent levels and the Severn Estuary beyond it.

Action 1

The character of this lane as a rural narrow road bounded on either side by hedges should be retained, development set back and additional tree planting introduced to help offset the cumulative impact of the M4 as highlighted in the LVIA. The current lane has no footways unlike the development framework which indicates this as something to be included on both sides of the road. To avoid this urbanisation it is recommended that pedestrian access should be limited to one side and set behind the existing hedgerow on the development side and the lane retained at its existing width. This should be included in the GI masterplan.

2 LLCA 3 Breezy bank to Rockfield Farm SINC – it is positive that this wooded green space is being retained however the proposal will be isolated from much of the development other than access along the road, it has limited connectivity with the rest of the site or with the community beyond the development and no accessibility through the woodland.

Action 2

This wooded green space needs to have stronger green corridor connections some of which should be accessible throughout the development and beyond to the wider community. In addition there could be accessible routes through the woodland as part of the wider scheme and opportunities of educational outdoor learning could be tied in with the local schools. This should be included in the GI masterplan.

3 C1 & C2 (Development framework) LLCA 4 Rolling Farmland (the elms to vinegar hill).

It has been acknowledged that this development would result in a substantial adverse effect due to its elevation and the proposed nature of the development as an area for

employment. Whilst the retention of the hedgerows and trees is positive and the landscape buffer is helpful it is unclear what the depth of the buffer is and there is no clear green corridor connecting the SuD. In addition there is a need to understand more clearly and define the heights of potential units so that they are contained in views and vistas from the motorway to prevent the effect of ribbon development. In addition care will need to be taken regarding the interface with the adjacent Bovis site – the current proposal indicates a line of hedge planting which is insufficient particularly on its western and southern boundaries.

The LVIA has highlighted that development C1 and C2 will result in a substantial cumulative impact in combination with the proposed Vinegar hill development and M4. This assessment is reinforced in viewpoint 9 of the photomontages.

Action 3

Strengthen the Landscape buffer down to the motorway and along the boundary with the adjacent proposed Bovis site (on its western, southern and eastern boundaries) this buffer needs to have indicative minimum and maximum widths (this will also help mitigate the cumulative impacts of the development. An accessible green corridor to be incorporated connecting the SuD to the surrounding green space not just a hedge line. The Landscape buffer along C1, C2 and D needs to be defined on all plans – it has not been incorporated into the Development framework.

To address issues of cumulative impact the scale, height and elevation of the employment units be varied – height will need to be agreed as part of the design principals. This will help break up solid lines and reduce the effect of ribbon development something always strongly resisted in Monmouthshire along the M4 corridor being a gateway and the entrance to Wales.

4 A,B and D (Development Framework) LLCA 5 Rolling Farmland including Amenity Open Space.

I consider the change from agricultural fields to urban development will have a substantial adverse effect on the Landscape character in this case and its edge of settlement location makes it all the more sensitive to change. I am concerned that the pocket open spaces do not adequately address the provision of onsite open space requirement. The current AOS forms a green buffer all along the Undy to Magor settlement edge and whilst it is acknowledged that the AOS land is privately owned and therefore the benefits have been limited, the retention of a green corridor here as part of the development offers an opportunity to provide more access to connected green space on site and importantly permeability between the estates. It is further considered that policy CRF2 in relation to the provision of outdoor recreation and allotments has not been properly addressed within the development. An appropriate green infrastructure framework which incorporates suitable AOS is therefore essential.

The photomontages have been very helpful in understanding the potential impacts and it is particularly useful when considering viewpoint 9 which clearly emphasise the height of the land in area B and the dominance of area C and D. It is clear that development in area B will be particularly prominent even if the new M4 were to take place, this in combination with the existing development will have a detrimental cumulative impact consolidating development.

Action 4

In fulfilling Policy GI1 further information is requested in considering the provision of allotments, outdoor recreation in particular sports grounds and play facilities and their accessibility in relation to the proposed development. (see the GI response separately

). In the interests of fulfilling Policy LC5 and G11 I would strongly recommend reinstating part of the Amenity Open Space in the form of a green corridor with pocket open areas(which could provide informal play areas), running parallel to the existing settlement to ensure access to the Breezy Bank woodland and the SuD in the southern section of the site as well as a route to the allotments. By incorporating an accessible green corridor this will have the effect of mitigating the cumulative effect of the two developments and offer a green lung allowing the two developments to interact and access green space; something which the current proposal is not offering.

In addition areas A, B and D form the bulk of the residential development there needs to be a filtering of density towards the settlement edge and greater recognition of the opportunity for key views and vistas towards GI assets/features and landmark features (both internal and external) for residents eg vistas looking west to the Breezy Bank woodland, vistas looking east to the Gwent levels (ref Viewpoint 1, 2 of the LVIA). This will require careful design layout and inclusion of features such as avenues of tree to help frame vistas internally and externally. This will require revision of the Masterplan to take account of these changes and to also remove the indicative layout – replaced instead with design goals for each of the areas identified.

Area B needs to be restricted to a maximum of 2 storey development to limit the visual impact and there is a need to introduced tree planting to help break up the cumulative impact which can also help provide legibility and define landmark features.

Area D whilst lower needs to ensure that units have visual diversity in heights and elevations to avoid solid blocks of development.

5 Protective Future development area

This area was identified in the safeguarding zone for the M4 – the area will be exposed and proposed developed have a significant landscape and visual impact regardless of what development takes places if any in this area.

Action 5

The Landscape buffer needs to be defined in terms of minimum and maximum widths. A 10 m buffer is suggested – this could be an accessible green corridor. Principals of development should be set out as part of the design goals for each of the zones and included in the GI masterplan.

6 Proposed Road Layout

I am concerned that the design has already been driven by a road layout despite this being an outline application.

Action 6

All road layouts to be removed and only entrance exits and the existing elms lane to be included in the overall GI masterplan.

To be able to fully support this proposal which I believe could offer many benefits I require the above actions to be addressed -

- General points.
- Action points 1-6.

MCC Tree Officer – Provided the following observations:

In the event of the development being approved the following condition is to be used.

Condition

No trees or shrubs are to be removed until there has been submitted and agreed in writing a scheme of tree protection in accordance with information shown in the Pre-development Tree Survey dated March 2016. The information shall contain the following:

- A tree retention and removal plan.
- A scaled tree protection plan showing retained trees and their root protection areas on the proposed layout.
- An Arboricultural Method Statement showing how trees/shrubs may be protected from harm where construction activity within any root protection area is unavoidable.
- A scheme of access facilitation pruning.
- Tree protection barrier details.
- A scheme of Arboricultural monitoring over the course of the development.

Reason

To ensure the long term health and viability of valuable green infrastructure assets in accordance with Policy S13 – Landscape, Green Infrastructure and the Natural Environment.

MCC Right of Way Officer – Provided the following observations:

The applicant's attention should be drawn to Public Footpaths 17, 22, 23, 24 and Restricted Byway 30 which either run adjacent to or through the site of the proposed development. The applicant recognises that paths need to be realigned to accommodate the development but they also need to apply for a Town & County Planning Act path order to achieve this. Importantly path orders are not guaranteed to be successful.

The Active Travel Bill (Wales) requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. In order to better to comply with this requirement, MCC would like the following and details of how they can be achieved to form part of the application.

All of the pedestrian paths/links including the public rights of way upgraded to dual purpose footway/cycleways.

A walkway/cycleway introduced to run alongside the B4225 from the end of Rockfield Grove to at least as far as the allotments and Footpath 24.

A walkway/cycleway introduced to run alongside the balance of the Elms to connect to Restricted Byway no. 30 on the northern side of the M48.

The land to the west of the proposed development is an allocated development site so in addition to upgrading the existing public footpaths to dual status the applicant should look at additional ways of strengthening links to this land.

The development should also incorporate links to the potential future development area indicated on the Development Framework plan. The link to the land to the east of zone D (development framework plan) is a welcome although I understand that permission for the public to access this land is not within the control applicant and may not be forthcoming. Every effort should be made to secure this authorisation. An entrance to the northern end of the allotments might be welcomed by future residents.

All of the paths/cycleways and Green Infrastructure assets need to be protected for use by the public and residents. Details of how this is to be achieved should also form part of the application. If they are not to be adopted by MCC and maintained by

contribution, access and maintenance should form part of a Local Government Act agreement.

Countryside Access notes and welcomes the planting/green buffer alongside the rerouted public footpaths indicated on the Indicative master plan. This information should however form part of the Development framework plan and a concrete part of the application.

MCC Specialist Environmental Health – Provide the following observations:

A total of four soil samples were taken for chemical/contamination analysis across the 11 hectare site. All samples were from the undeveloped part of the site and are mainly fields. Laboratory analysis did not identify any contaminants of concern above the chosen generic assessment criteria's, for a residential end use, within the four samples taken. The higher risk (with regard to potential harm to human health from ground contamination) area of the site was not sampled due to the presence of farm buildings. This area (towards the centre of the sit) was is also the former location of an old quarry that has been filled in with unknown material and a limekiln.

Further site investigation will be required inside the developed/quarry/limekiln area. In addition, when plot layouts are known, further sampling should be undertaken across the site within areas that will be allocated as soft landscaped areas and gardens. It is possible that remediation will be required following this investigation, therefore I would recommend that you contact Environmental Health for advice and conditions with regard to land contamination, when a firmer plan for the site has been developed.

The air quality assessment undertaken by WSP Parsons Brinckerhoff (Final Version 2/ July 2016), used modelling to determine that the 226 property residential development and 5575m² employment (B1) use, would not create any exceedances of the nitrogen dioxide air quality objective at existing or future receptors for the operational phase. This was found to be the case irrespective on if the M4 relief road was built or not. The modelling did identify that the construction phase did have the potential to effect ambient air quality, and therefore a robust management plan will have to be implemented. The air quality assessment is based on the predicted traffic generation from the site.

MCC Environmental Health – Provided the following observations:

I note that the proposed development includes proposals for both Residential and Employment (B1) uses. I have no objections to the proposed Employment (B1) development at this stage. Whilst I do not anticipate significant reservations, any comments from this department will be reserved for subsequent planning applications. With reference to the proposed residential development I note that areas are within NEC C for both scenarios, where the M4 is as per the existing situation, and also its potential development, with significantly more residential properties entering NEC C in the event of the M4 development.

TAN 11 {Technical Advice Note (Wales) 11} provides that planning permission should not normally be granted if a residential development falls within Category C. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

The Noise Assessment Addendum, Report No. 70018501-001-02 provides modelling based around the establishment of a noise barrier but I understand that a noise barrier is not acceptable by the Local Planning Authority.

Where a TAN 11 assessment shows that properties fall into Category B as is the case in some areas of this residential development generally the submission of a noise mitigation scheme can be dealt with as a planning condition. However as there are significant areas proposed which fall into Category C I feel that the noise matter should be addressed and an acceptable scheme submitted in order that an informed decision can be made at outline planning stage.

I therefore recommend that planning permission should not be granted unless it can be effectively demonstrated that the following internal/external noise levels can be met, which are based on guidance given in BS 8233:2014: Guidance on sound insulation and noise reduction for buildings:

Road Traffic Noise – Internal

All habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows.

Road Traffic Noise – External

The maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 dBA Leq 16 hour [free field]. The upper guideline value of 55 dB LAeq,T may be accepted where it can be satisfactorily justified.

I note that the modelling in the noise assessment is based on road traffic data for the design year 2026. To assist with the appraisal of the proposal I would recommend that an explanation was included in the report as to why 2026 data is being used.

The report does not include any assessment of individual noise events.

TAN 11 States:

"Night-time noise levels (23.000 - 07.00): sites where individual noise events regularly exceed 82 dB

L_{Amax} (S time weighting) several times in any hour should be treated as being in NEC C, regardless of the LAeq,8h (except where the LAeq,8h already puts the site in NEC D)."

In order to ensure the appropriate TAN 11 - Category is established I would also recommend that individual noise events data was included in the noise assessment.

Welsh Government (Transport) – Provided the following observations:

Would offer no objections to the development although to maintain the safety and free flow of the M4 motorway, directs the following notes to be applied to any consent your Authority may grant;

1. There shall be no direct access of any kind to the motorway.
2. No works shall be undertaken which could in any way effect the structural integrity of the motorway asset without further consultation.
3. There shall be no interference with the trunk road highway boundary fence or existing trunk road soft estate.
4. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system.
5. Any noise mitigation such as a barrier etc. required at the development site, is a matter for the developer in terms of both consideration and provision.

Wales & West Utilities – Provided the following comments:

According to our records to our records this is no apparatus in the area. However, gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Welsh Water – Provided the following observations:

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

We have reviewed the information submitted as part of this application with particular focus on the Drainage Strategy dated July 2016 which shows surface water drainage via sustainable infiltration methods. With regards to foul flows, a Hydraulic Modelling Assessment was undertaken on the public sewerage network to assess the ability of the network to accommodate the flows generated from the propose development. Likewise a similar model was undertaken for the potable water supply.

A number of solutions have been identified for both foul and potable water and a copy of the foul drainage report is included within the Drainage Strategy. Once a preferred developer is on board we advise that they contact us at the earliest possible stage to progress with relevant solutions. The agreed solution shall then be constructed and delivered in full prior to any properties connecting to the public sewer. We therefore recommend that if you are minded to grant planning permission that the requested conditions and advisory notes are included within any subsequent approval notice.

Cadw – Provided the following observations:

The propose development is located within the vicinity of the scheduled monuments known as Standing Stone 252m South of Bencroft Lane (MM068) and Medieval Moated Site 400m Nof Undy Church (MM198).

The application area is located some 15m north of scheduled monument Medieval Moated Site 400m N of Undy Church (MM198). This monument comprises the remains of a well-preserved medieval moated homestead. It consists of a rectangular enclosure measuring 20m by 30m surrounded by a ditch and a counterscarp bank. A ditch extends northwest from the northern corner of the site towards the modern road.

The moated site is located at the end of a stream that feeds into the modern Collister Reen. The significant views from the moated site would have been to the east and west (along the modern B4245) and to the south (along modern Church Road). The significant view to the northwest (along the modern The Elms) would have been limited due to the topography.

The application area is to the north. As noted above this is not in an identified significant view and from most of the moated site the view north is now blocked by the modern houses of Pembroke Close. However, there will be views to the application area from the eastern part of the scheduled area and from its north western extension, which as noted above formed part of a later annex to the main moated site. The land

which will be visible from the scheduled area formed part of its agricultural holding, as demonstrated by the lidar and geophysical results identifying medieval ridge and furrow and later strip enclosures in this area. The proposed development will therefore have an impact on the setting of scheduled ancient monument MM198 as it will be constructed over the agricultural land associated with the moated site which is an important aspect of its relationship with the adjacent landscape. However, there has been considerable change to the landscape surrounding the scheduled monument, especially in the last thirty years. The development of Pembroke Close, along with the earlier construction of the houses on the eastern side of Church Road and the additional developments on Little Hill have urbanised the area to the north and west of the moated site, and the presence of the railway and attenuation pond to the south has also blocked the links to the Caldicot Level. As such the proposed development will continue the process of change to the setting of the monument but, given the alterations that have already occurred it is our opinion that the impact of the proposed development on the setting of MM198 will be slight adverse.

The application area is located some 535m to the west of Standing Stone 252m South of Bencroft Lane (MM068). The monument comprises the remains of a standing stone, which probably dates to the Bronze Age (c. 2300 – 800 BC). Standing stones are thought to have been located in positions where they could be seen from, and allow views to, contemporary settlements, other ritual monuments and natural features. In this case, given the surrounding topography, it is thought that any associated ritual sites would have been to the north and any settlement sites to the south along the “fen edge” where the alluvium of the Caldicot Level meets the solid geology. However, so far no definite sites have been located. Modern changes to the landscape, most notably the construction of the M4 have had a significant impact on the setting of this standing stone, and the route of the proposed motorway to the south of Newport will also have a significant impact.

The proposed development will be visible from the scheduled monument but will be partly screened by existing vegetation. It will bring development closer to the scheduled monument but will be seen as part of the existing settlement of Undy and therefore in our opinion will have a light adverse impact on the setting of scheduled monument MM068.

In conclusion the proposed development will have a slight adverse impact on scheduled monuments MM068 and MM198 and your authority will need to consider these impacts when determining the current application.

Natural Resources Wales – Provided the following observations:

We do not object to the proposed development as submitted. Please be advised that if the proposals/scheme changes we would like to be notified as this may lead to a change in our advice.

Glamorgan Gwent Archaeological Trust (GGAT) – Provided the following observations:

We can confirm the proposal has an archaeological constraint. As you are aware, an archaeological field evaluation has been conducted on the site by Headland Archaeology (Report no. 1209, dated January 2017). Whilst the majority of the trenches encountered no archaeologically significant remains, the evaluation in Field 5 recovered material of prehistoric date from within the fabric of a system of limestone rubble banks. The earthworks form an irregular enclosure with a possibly associated field system; evidence was found for shallow ditches associated with up-cast banks

Whilst the site may not necessarily be of national importance, it is certainly of regional importance and very likely to be adversely affected by the proposed development. Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that, based on the results of the archaeological field evaluation, this programme of work would take the form of the full excavation of Field 5, and an archaeological watching brief during the ground works required for the development in the remaining fields. It will contain detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

4.2 Neighbour Notification

53 letters of objection have been received raising the following areas of concern:

- Negative impact on the existing infrastructure in Undy and Magor.
- Provision of school spaces.
- Commuter trains are already at full capacity.
- The scheme could fund the train station in Undy.
- Is a need for traffic calming and speed control measures.
- The new employment land will not provide enough employment for those moving into the area.
- Already existing pressure on local doctors.
- Council needs to consider the whole lifestyle of the community not just housing.
- There are no local shops, parking, library, leisure facilities or other local amenities in Undy other than the already overstretched facilities near Magor square.
- Loss of green space.
- Public transport is poor leading to reliance on cars.
- Local residents enjoy this green space for walking, running and cycling.
- There is no pedestrian walkway between Undy and the station.
- Loss of wildlife habitat.
- Local services cannot cope with extra demand.
- Sewerage system already struggles.
- Additional housing would compromise the village feel of the area.
- Clarification of number of units proposed or mix of accommodation.
- Much about the approval of this development hinges on future events/developments that may never come to fruition such as the junction for the M48 at Rogiet, the new M4 development and Magor and Undy station.
- No details are shown on the drawing and the M4 relief road has not been decided.
- The Elms to Rockfield Grove should be permanently closed off to motor vehicles, as a pre-commencement condition.
- Will an area be safeguarded to build the bypass in case it is needed?

- Without the bypass how is development traffic going to access the site?
- Will the Rogiet interchange still go ahead even if the M4 relief road doesn't?
- Without the bypass all traffic will still have to use part of the B4245 to access the M4 (even if the relief road and Rogiet interchange are built), joining either via Dancing Hill or the new proposed T junction.
- What are the plans to prevent both development and residential / employment traffic using Vinegar Hill as a rat run?
- Will there be a Welsh residency requirement so that the housing actually helps to solve Welsh housing needs and not the Bristol overspill needs?
- Can MCC confirm that the 2 hectares designated for the class B1 use order will not, in the future end up as additional housing.
- The land is prime agricultural land which due to its character currently provides numerous wildlife habitats which will be lost.
- Has an EIA been undertaken?
- It is essential that the existing public rights of way are maintained in order to facilitate circular walks to the north and south of the M4.
- Have not seen suggestions as to how the associated Section 106 money might be used locally for community projects

5 letters of support have been received highlighting the points:

- We face a national housing shortage and it poses great challenges for people to return to villages such as Undy and Magor to raise their young families.
- Monmouthshire need to make commitments to endorse and fund local amenities.
- Particularly the Railway station that has been required for more than two decades.
- Conditions ought to be placed upon the development to ensure that a minimum of 40% of dwellings should be affordable so that the Council can demonstrate its commitment to ensuring people have affordable places to live in.
- Section 106 money should be allocated to new community facilities.

4.3 Local Member Representations

County Councillor Lisa Dymock – This application was received and registered prior to recent elections. However, Officers have met with Councillor Dymock to brief her on the application.

Former County Councillor Jessica Crook – Has not provided written comments to date.

County Councillor Frances Taylor (adjoining Mill Ward) – Provided the following observations:

This is an outline planning application and therefore detailed designs are not available at this time.

I have some significant concerns regarding certain aspects of the application and request that it is refused in its current form. Alternatively, that it is deferred to allow the matters raised to be dealt with appropriately.

The rationale of developing a mixed use site

The siting of housing and employment land adjacent appears reasonable at face value. However, it seems to be flawed. Magor with Undy have already become something of a dormitory area, owing largely to poor planning decisions by Local Planning Authorities. Magor with Undy lacks investment in community cohesion and facilities and the location

of office space here is unlikely to solve this issue. We have extremely high levels of out commuting to Bristol, Gloucester and further afield. The location of the employment land to the north or the residential site will mean that residents face the prospect of all employment based traffic travelling via their residential streets. This seems contrary to the LDP approach to Place- Making and high levels of residential amenity.

Area of Amenity Importance

The development site contains a significant designated area of amenity importance (as shown in the LDP) and the indicative layout proposes to develop this land. This is unacceptable. There is a significant deficit of open space in Magor with Undy and this further compounds the issue further. There are significant deficits in public open space, outdoor sport ground provision, equipped play areas and informal open spaces.

The SINC / wooded area is not a replacement for the loss off this open space and requires protection in its own right. This is not compatible with LDP policy DES 2.

6.5.5 Green infrastructure, including areas of open space, is important in the built environment as it adds to the character of many settlements and provides social, environmental and economic benefits, as detailed in policies S13 and GI1, including the mitigation of climate change impacts. The primary purpose of this policy is to protect and, where possible, improve the built environment by retaining the overall amenity value of the existing stock of green space. Existing designated areas of amenity open spaces are reaffirmed in the LDP but these will be reviewed as part of a 'Green Infrastructure' Study and associated Supplementary Planning Guidance. Policy GI1 seeks to ensure that development proposals maintain, protect and, where possible, create new green infrastructure and should be considered alongside Policy DES2. Policy DES2 – Areas of Amenity Importance

Development proposals on areas of amenity importance will only be permitted if there is no unacceptable adverse effect on any of the following:

- a) the visual and environmental amenity of the area, including important strategic gaps, vistas, frontages and open spaces;
- b) the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure in terms of its contribution to the character of the locality and / or its ability to relieve the monotony of the built form;
- c) the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available, as well as its relationship to general open space requirements as set out in policy CRF2;
- d) the cultural amenity of the area, including places and features of archaeological, historic, geological and landscape importance; and
- e) the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features

It is unacceptable that areas of amenity importance should be lost, particularly as a deficit already exists in Magor with Undy. The land is allocated for amenity in the LDP and the LDP should not be a moveable feast to suit the Authority.

Foul water sewage and drainage

There is currently no capacity within the existing Welsh Water infrastructure to accommodate the new site this is demonstrated in the Welsh Water response and reflected in the Master Planning Brief. The application site should not receive planning permission until there is a clear means of dealing with the capacity issue. If this is to by condition this should be made clear and the terms clarified.

The indicative layout is of concern for the following reasons;

- The mixed use of the site
- It is unclear how the site encourages walking and cycling and public transport
- It is unclear how the site will connect to the wider community.

Section 106 contributions

There are a number of particular circumstances in Magor with Undy which mean that additional pressure on services and facilities which already fall far below required standards for example in play, open space, off site recreation, active travel etc. The LDP clearly reflects the Authorities commitment to address some of these issues in selecting Magor with Undy as a strategic site. I understand that 106 is site specific and that one must satisfy the three tests in order to apply 106 to mitigate impact and alleviate the pressure of a new development.

I am also concerned that we avoid any conflict between the Authority as Landowner, wishing to achieve the maximum capital receipt and the Authority as the LPA. I would expect the LPA to ensure that no such tension exists and that Magor with Undy is not short changed. I would be extremely resistant to any proposals which do not appear to adequately reflect local requirements.

In terms of priorities, there are some clear areas which still require support.

1, The three fields site as a hub for community activity and a community hall to provide off site adult recreation. In terms of the significant time energy and resource, this ought to receive the principal level of priority.

2, Strategic Play provision suitable for older children (beyond 8). Located in the most well patronised existing play areas.

3, On site informal play, and an absence of “a springy chicken” approach.

4, Support for developing integrated public transport solutions and contribution for Magor Station Development.

5, Safe routes to Magor and Undy Primary Schools. Support for the development of active travel (walking and cycling) and alternative routes into Magor via Grange road and dancing hill.

6, Support for development of off-site sport and recreation pitches at Undy Football Club and Sycamore Playing field.

5.0 EVALUATION

5.1 Principle of the proposed development

5.1.1 Policy S1 of the LDP refers to the Spatial Distribution of new housing provision within the County and states that the main focus for new housing development will be within or adjoining main towns.

Outside of this Policy S1 sets out that a smaller amount of new housing development is provided in the Severnside sub-region, particularly at Magor/Undy, Caldicot/Portskewett and Sudbrook. As detailed previously Policy S3 of the LDP identifies seven strategic housing sites within Monmouthshire. Policy SAH5 relates to the Rockfield Farm site. Therefore the principle of redeveloping this site for a mixed use scheme, including residential, is already established.

Policy SAH5 of the LDP relates to the Rockfield Farm site and states:

11 hectares at the Rockfield Farm, Undy, site allocated for a mixed use residential and employment development. Planning permission will be granted provided that:

- a) Around 270 new dwellings are provided during the LDP period;**
- b) A Section 106 Agreement has been signed that, in addition to standard requirements, includes provision within the site for 2 hectares of serviced land for industrial and business development (Class B1 of the Town and Country Planning (Use Classes) Order);**
- c) The master plan for the development takes account of the SINC at the site;**

- d) A Section 106 Agreement has been signed that, in addition to standard requirements, includes provision for any necessary off-site highway improvements to the highway network through Magor/Undy;**
- e) A Section 106 Agreement has been signed that, in addition to standard requirements, includes provision for making an enhanced financial contribution to community facilities in the Magor/Undy area;**
- f) It is ensured that safeguarding routes for a potential Magor/Undy by-pass and for a potential M4 Relief Road are not prejudiced by the development.**

5.1.2 Consequently the issues that have arisen regarding the principle of the site for residential development and employment provision have already been addressed thoroughly as part of the LDP process as considered above by the LDP Inspector.

5.1.3 Whilst this is an outline planning application with access the only detail to be considered, extensive reports have been submitted with this application to work in conjunction with the overall Masterplan which had to be submitted as part of the outline submission.

The issues therefore to arise in the consideration of this application are as follows:

- Access
- Other Highway Considerations
- Policy DES2 *Areas of Amenity Importance*
- Landscape and Ecology
- Employment
- Residential Amenity
- Archaeology
- Noise
- Drainage and Water Supply

5.2 Access

5.2.1 As detailed previously the Transport Assessment considered two options for providing access to the site from the B4245 - one being a priority T-junction and the other a three-arm roundabout. The results of which indicated that a priority T-junction onto the B4245, designed to appropriate standard, would operate within capacity in all scenarios including additional traffic associated with development of the Vinegar Hill site and the impact of plans to develop a new M4 relief road around Newport. The proposed M4 relief road would have significant implications for traffic flows through Magor with Undy, as the new junction between Rogiet and Undy would mean traffic accessing the M4 from Rogiet, Caldicot and further east would no longer travel through Magor with Undy, although traffic from Magor and Undy themselves would be likely to travel from the west to access the M4 via the new junction if travelling eastwards on the M4. The proposed traffic arrangements have been considered for both with and without M4 relief road scenarios.

5.2.2 This has been considered and acceptable in principle by the Council's Highway Engineer subject to detailed design, safety audit and technical audit / review and the requirement for it to be constructed prior to the commencement of the development due to the strategic nature of the B4245. The junction would therefore be required to be carried out subject to a S106 agreement and the applicant / land owner entering into Section 278 Agreement, Highways Act 1980 with the Council as Highway Authority.

5.2.3 Access to the site from The Elms, an existing unclassified lane, has also been considered as part of the Transport Assessment. It will be required to be re-engineered

and traffic orders implemented to create a safe and manageable link for both pedestrians and cyclists between the proposed development and the existing Rockfield Grove development but at the same time restricting vehicle movement. This will help to ensure it cannot be used as a rat run, a concern expressed in a number of correspondence received from residential properties.

5.3 Other Highway Considerations

5.3.1 The requirement for a safeguarding route for the Magor/Undy By-pass which runs through the allocated site, has been carried through successive Development Plans over many years. This is highlighted in Policy MV10 of the LDP as well as criterion (f) of Policy SAH5.

5.3.2 As part of this application, and in response to queries raised by Councillor Taylor, the purpose of and need for this bypass route has been re-evaluated. The protected route runs through both the application site and the adjacent Vinegar Hill site and then on into 3rd party land to the west. The deliverability of this western section is currently unclear. The route itself would be undulating due to the topography, and would require a number of junctions to allow access to the residential and employment development. In reality it is unlikely to offer a more convenient route for road traffic. It is accepted that the western end of the bypass would have removed some traffic from the main road through Magor, however the road capacity has been assessed. The Transport Assessment concludes that the “safeguarding a route for a Magor/Undy by-pass to the south of the site as set out in the LDP is not necessary to facilitate the Rockfield Farm development in any of the development scenarios tested”. As such Planning Policy have confirmed that compliance with this element of criterion (f), therefore, would no longer be required and the extension of the site to the south of the original SAH5 allocation into this location is considered acceptable.

5.3.3 The indicative Master Plan illustrates a local link road that would satisfy the need to provide for an east to west link between the proposed development and the adjacent allocated site at Vinegar Hill (Local Development Plan Policy SAH6). Again the Transport Assessment that informs this has been specifically modelled to take account of all scenarios including the M4 corridor around Newport. This link road will provide for permeability through the site and as such is considered to be good planning practice.

5.3.4 For the purposes of clarity, the proposed development is technically contrary to part f of Policy SAH5 because the by-pass is not being provided or safeguarded. The reason for this is set out above, and it is concluded that the bypass is not necessary and therefore this route need not be safeguarded.

5.4 Policy DES2 Areas of Amenity Importance

5.4.1 Policy DES2 of the LDP relates to Areas of Amenity Importance. The site extends to the south of the allocated SAH5 site boundary into an area of DES2 land. The majority of the DES2 land in this location is private farmland with no public access and no logical boundary. Consequently the land does not fulfil an amenity role, and was previously included as a buffer between the edge of the settlement and the indicative Magor/Undy By-pass link. In addition to this in relation to the adjacent allocation at Vinegar Hill the LDP Inspector stated in para 6.59 of the Inspector’s Report that ‘The southern margin of the site is currently designated as an Area of Amenity Importance and thus subject to Policy DES2. This designation was made, at least partially, to provide a buffer for the safeguarded route of the B4245 Magor/Undy By-Pass. It is now intended that this would take a meandering and traffic-calmed course through the site and that the need for a buffer would thus be negated (IMAC13)’. Further to this the Monmouthshire County

Council provided similar comments on this issue in the Vinegar Hill Examination Statement, para 6.3 noted 'It is recognised that the development of the site will result in the loss of an area of amenity open space. Therefore there is no Policy justification for this buffer to continue to be designated as an Area of Amenity Importance as detailed by Policy DES2.

5.4.2 However, open space and green space will be incorporated in the development. Provision for open space will be sought in accordance with the standards set out in LDP Policy CRF2 Outdoor Recreation/ Public Open Space/ Allotment Standards and Provision. The area of SINC would be retained at is also proposed to provide links through this area that would actually bring this important green asset into public use. Furthermore the Council's Recreation Officer has requested contributions in respect of on and off site recreation. It must be noted that Magor has a surplus of public amenity open space when assessed against standards, although there is a deficiency in pitches for outdoor sport.

5.5. Landscape and Ecology

5.5.1 The application has been submitted with appropriate levels of ecological survey, tree survey and Landscape and Visual Impact Assessment (LVIA).

The site has been identified by LANDMAP as being of high value for part of its historical and geological aspects and moderate value for its visual and sensory and landscape habitats and of low value for its cultural aspect area. The Monmouthshire Landscape sensitivity and capacity study has identified the site (a proposed candidate site CS/0249) as of high/medium sensitivity with the part of the site in which the development sits being of medium sensitivity due to the degraded urban fringe character.

The Council's Green Infrastructure (GI) Team note that the submitted documents, detailed above, represent a positive development to the integration of GI in this project and the GI team welcome the principals identified. They have however suggested the Indicative Masterplan and the Development Framework should be brought together in 2 plans retitled GI Masterplan and GI development framework. This would see all roads and housing layouts removed. The plans have not been amended in line with this suggestion, however given the outline nature of the application the road and housing layouts within the submitted plans are indicative only. The northern portion of the site, running parallel to the M4, is the most elevated and in line with comments received from the Landscape Officer the indicative Master Plan illustrates a new landscape buffer that would cloak the northern boundary of the site.

5.5.2 The Council's Biodiversity Officer has confirmed that the surveys and assessments provide enough information, at this time, to make a sound planning decision. Whilst the application is Outline only it does provides a Development Framework and Masterplan to identify the delivery expected for green infrastructure including things such as habitat to be retained, buffer strips and new habitat. The measures would need to be managed through appropriate planning condition.

5.5.3 As detailed previously within this report the Breezy Bank SINC is to be retained and a green buffer around it is proposed, however it will need to be protected during the development process and carefully managed in the future to ensure that its integral value is not degraded with increased public use. To ensure this conditions are to be attached requiring both a construction environment management plan (CEMP) and Green Infrastructure Management Plan for the site.

5.6 Employment

5.6.1 Criterion (b) of LDP site allocation Policy SAH5 requires the provision within the site for 2 hectares of serviced land for industrial and business development (Class B1 of the Town and Country Planning (Use Classes) Order).

5.6.2 The inclusion of 2ha to provide 5575m² B1(b) Research and Development complies with criterion (b) of SAH5 in principle. The S.106 agreement shall include details of this to ensure this does relate to serviced industrial and business land.

5.6.3 The indicative Master Plan indicates that the employment area would be provided in the north western portion of the site (referred to as Area C1). It is accepted that this is one of the highest points of the site and therefore most visually prominent, the area has been chosen in light of the Noise Assessment carried out in July 2016. The findings of which concluded that potential road traffic noise from the M4 would see part of the northern edge of the site fall within Noise Exposure Category C and therefore not suitable for residential use. Therefore the preferred siting of the employment use closer to the main site entrance onto the B4245 can be discounted for justifiable reasons. The scale and massing of the units would be considered at the Reserved Matters stage and in some instances would need to be single storey in the most north westerly corner of the site.

5.7 Residential Amenity

5.7.1 The site is bound along its south easterly edge by the residential properties of Rockfield Grove, Rockfield Way and Rockfield View. There is an established line of mature vegetation, including trees and hedgerow, which runs along this boundary which would be retained.

To ensure that the development does not adversely affect the amenity of the occupiers of the identified properties, this aspect would be addressed through layout and design at the Reserved Matters stage.

5.7.2 The Master Plan seeks to maximise linkages to the existing residential areas rather than disconnect itself from them. Improved play space at Rockfield View and public links to the Breezy Bank SINC would also provide existing residents access to welcome recreational space.

5.7.3 A number of concerns have been raised in respect of increased traffic congestion as a result of the development. However, as detailed previously the Transport Assessment has identified that subject to securing appropriate infrastructure improvements the development is acceptable in principle with regard to traffic congestion.

5.8 Archaeology

5.8.1 Glamorgan Gwent Archaeological Trust (GGAT) have identified an archaeological restraint on the site. An archaeological field evaluation was conducted in January 2017 saw the recovery of prehistoric material in of the fields. Whilst GGAT noted that the findings may not be of national importance they were of the view that they held regional significance and would be impact by the proposed development. In their initial consultation response GGAT recommended a condition be attached to any consent requiring a written scheme of investigation (WSI) for a programme of archaeological work. The applicant has undertaken this scheme in advance which details a methodology for the recording of all archaeological remains that survive in the application area. The WSI has been accepted by GGAT as being a coherent and appropriate mitigation strategy. An alternative condition has therefore been requested to ensure adherence with the mitigation strategy.

5.9 Environmental Health Considerations

5.9.1 Technical Advice Note (TAN) 11: Noise (1997) sets out Welsh Government guidance on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. The TAN sets out four noise exposure categories (NECs) that sites may fall in, taking account of both day and night-time noise levels. For the purposes of clarity the NECs in TAN11 are set out in the table below:

A	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable.
B	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.
C	Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
D	Planning permission should normally be refused.

5.9.2 The applicant has undertaken an appropriate Noise Assessment which takes account of the adjoining housing site at Vinegar Hill (SAH6) as well as modelling scenarios with and without the M4 corridor around Newport. An update to the original survey (June 2016) in January 2016 concluded that confirm that no proposed residential buildings will be subject to NEC D, and that residential areas would be exposed to noise levels equivalent to NEC C as a worst case. The most significant impact would be the predicted levels with the works the M4 corridor at night without any form of mitigation which would result in over half of the site fall into NEC C. Consequently the Assessment puts forward options for noise mitigation strategies including:

- *Noise barrier at the northern site boundary, 6m in height and approximately 100m long;*
- *Re-orientation of buildings at this parcel (C2) such that private gardens are screened by the same dwellings. It is further recommended that the internal layout of each dwelling is designed to avoid habitable rooms overlooking the M4.*

5.9.3 The first option, of a 6m high fence, is considered unlikely to be unacceptable for a number of planning reasons including visual impact, maintenance and structural integrity. However, this option could be revisited if necessary at the relevant reserved matters stage. The second option could be fully considered with the subsequent applications for reserved matters. The detailed design would consider building orientation as well as suitable façade mitigation.

5.9.4 The Council's Environmental Health Officer (EHO) has expressed concerns with the fact that there are significant areas proposed which fall into Category C (based on worst case scenario detailed in 5.9.2). As such the EHO is of the view that the matter should be addressed and an acceptable scheme submitted in order that an informed decision can be made at outline planning stage. However, given the scale of the development, which has been through the LDP examination procedure, it is not considered that there are other sites suitable in the locality of providing the required housing numbers. Therefore turning back to TAN11 whilst on the basis of the M4 corridor going ahead a large portion of the site would be within Category C, it is considered on balance that in

the absence of suitable alternative, quieter sites that conditions could be imposed to ensure a commensurate level of protection against noise. Such a condition would need to take account of the phased nature of the development as a formalised layout has not been established owing to the outline nature of the application. It is also noted that the main impact would occur during night hours and mechanical mitigation could be used to achieve acceptable internal noise levels to bedrooms. Noise impact during night hours to external garden areas is not considered to be unacceptable. The noise survey does show that even in the event of the M4 corridor going ahead garden areas in the day time would mostly fall within NEC B.

5.9.5 A contaminated land site investigation has been submitted, the results of the areas surveyed showed did not identify any contaminants of concern, although these were undeveloped parts of the site. The higher risk area around the farm buildings, also the location of an old quarry, would require further investigation which the EHO has advised would need to be done when a firmer plan for the site has been developed.

5.9.6 The Air Quality Assessment submitted confirms that would not create any exceedances of the nitrogen dioxide air quality objective at existing or future receptors for the operational phase. This was found to be the case irrespective on if the M4 relief road was built or not.

5.10 Drainage and Water Supply

5.10.1 The Drainage Strategy has been provided which considers the requirements of LDP Policies SD4 and EP2. The Strategy has been designed so that sustainable drainage systems (SuDS) are integral to the site. This would incorporate attenuation areas, rainwater harvesting, swales and permeable surfaces into an interlinked drainage system that will drain the net increase of surface water run-off from the new development. Currently the preferred option to manage the majority of the site surface water run-off is to attenuate and discharge at the pro rata'd Qbar rate, however whether a suitable means of discharge is readily available at this time is still to be determined it is therefore necessary for the applicant to carry out further detailed analysis and investigation to identify and substantiate an appropriate point of discharge to the local drainage land drainage network, Pratt Reen.

5.10.2 It is proposed that all the foul flows from the site would be discharged into existing public sewers and a hydraulic modelling assessment of the site has been undertaken by the developers to assess the ability of the existing sewers to accommodate the proposed development. No objection has been raised by Welsh Water who have advised that once a preferred developer is in place that they engaged with to develop solutions for both foul and potable water.

5.11 Planning Contributions

5.11.1 Policy SAH5 sets out a number of planning contributions required in respect of this site including provision within the site for 2 hectares of serviced land for industrial and business development, necessary off site highway improvements and an enhanced contribution to community facilities in the Magor/Undy area. As detailed previously within this report the first two of these requirements will be met. With regard to enhanced community facilities it is acknowledged that evidence shows that there is a large shortfall in off-site recreation provision and a shortage of play provision in Magor and Undy. As such the scheme would contribute £175k towards equipped play (£100k of which would go to enhance existing play at Rockfield View) and £800k towards off site adult recreation. The latter figure was originally £850k however £50k was not attributed to a

particular project and therefore failed the three tests. Various beneficiaries for the adult recreation sum have been considered however it is considered on balance that the “Three Fields” community site would be the most appropriate to achieve the aspirations of Policy SAH5. The site is also an identified community priority.

5.11.2 The development would generate approximately 59 pupils, as detailed within section 4.1 of this report officers within the Education department have confirmed that all schools within catchment have capacity and therefore no financial contribution towards education is sought.

5.11.3 In addition contributions in respect of active travel and public transport have been sought. £175k is to be paid over a period of five years that would go towards improving the local bus service. A further £70k towards the Magor/Undy to Rogiet footpath would also be secured in line with the aspirations of the Active Travel Act.

An original request was made for a contribution of up to £700k towards the cost of progressing the Magor/Undy train station, this figure has now been reduced to £200k. Officers consider this initial request as excessive in the scale of the development and considering other financial contributions being sought. A contribution is still to be provided towards a key local project. Officers are of the opinion that other contributions in respect of affordable housing, other highway improvements and Three Fields community facility were of higher local priority.

5.11.4 Finally the scheme would deliver 25% of the total number of units to be affordable housing which is in line with the Policy requirements of the LDP.

5.12 Response to Consultation Responses

5.12.1 A number of the concerns raised by third parties have already been addressed in the preceding sections of this report and these shall not be repeated. However other material planning issues have been raised. Other concerns relate to the possible community benefits, by virtue of the Section 106 agreement, including recreation space and the proposed rail station. The full heads of terms in respect of this are detailed in Section 6 below.

5.13 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

5.13.1 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.

5.14 Conclusion

5.14.1 This site has been allocated as a strategic development site within the adopted LDP and therefore the principle of the development is already established. The site can accommodate up to 266 dwellings while still providing a considerable amount of green infrastructure, including the preservation of an existing SINC. In addition the site provides 2 hectares of land to be made available for employment (Use Class B1). It is acknowledged that the site would see a tangible increase in the population of Undy, however planning contributions (set out below) in respect of recreation, the

Three Fields community site, assistance in the delivery of the Magor/Undy train station as well as improvements to the existing bus service are to be provided. Furthermore 25% of the total number of residential units would be secured as much needed Affordable Homes.

5.14.2 Therefore whilst local concerns in respect of the settlement being incapable of accommodating additional residential units are noted, it is considered on balance that subject to the planning contributions and conditions detailed in Section 6 below that this outline application is acceptable.

6.0 RECOMMENDATION: APPROVE

Subject to a Planning Contributions, the Heads of Terms are identified below:

1. **£175,000 for off-site and on site equipped play, including £100k to improve play area at Rockfield View.**
2. **£800,000 for off-site adult recreation to the Three Fields site.**
3. **£200,000 towards the delivery of the Magor/Undy station.**
4. **£175,000 (over a period of 5 years) towards public transport to develop the existing bus service.**
5. **£70,000 towards the Magor/Undy to Rogiet footpath.**
6. **25% of the total number of dwellings shall be allocated to Affordable Housing.**
7. **Provision within the site for 2 hectares of serviced land for industrial and business development (Class B1 of the Town and Country Planning (Use Classes) Order).**
8. **Prior to the occupation of any units comprised in Area C1 the link road shall be completed up to the site boundary with the adjoining Vinegar Hill (SAH6) site.**

And to enter into a Section 278 Agreement of The Highways Act 1980 to cover:

1. **Prior to the commencement of the development for the construction of the new highway junction off the B4245 and these works will be completed by the owners prior to commencement of the development.**
2. **Prior to the commencement of the development for the Elms Road improvement.**

Conditions:

1	Approval of the details of the siting, design and external appearance of the building(s), the means of access and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site. Reason: The application is in outline only.
2	a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990

3.	The development shall be carried out in accordance with the list of approved plans set out in the table below. Reason: For the avoidance of doubt
	<u>Pre-commencement conditions</u>
4.	<p>No development shall take place (including demolition, ground works, vegetation clearance) in each reserved matters area until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including. d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. Reason: to safeguard Priority Habitats and Protected species during development in accordance with LDP policy NE1 and The Environment (Wales) Act 2016.</p>
5.	<p>Full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority in conjunction with each reserved matters application for landscaping. These details should reflect the guidelines set out in the GI Masterplan plan. Details shall include [for example]:-</p> <ul style="list-style-type: none"> • Detailed plans / elevations of the proposed building • proposed finished levels or contours; • means of enclosure; • car parking layouts; • other vehicle and pedestrian access and circulation areas; • hard surfacing materials; • proposed and existing functional services above and below ground (e.g. drainage, power, • communications cables, pipelines etc. indicating lines, manholes, supports and CCTV installations.); • retained historic or other landscape features and proposals for restoration, where relevant. • Water Features • Clarification of access connections beyond the site • Where historic environment impacts are identified these are reflected through appropriate mitigation. <p>Reason: To ensure the provision afforded by appropriate landscape design and Green Infrastructure.</p>
6.	Each reserved matters application for layout shall include existing and proposed site sections as well as proposed finished floor levels to be submitted and approved in writing by the Local Planning Authority.

	<p>Development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interest of maintaining the amenity value of the area.</p>
7.	<p>Before any works commence on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. This boundary treatment shall be implemented :</p> <p>a) before the use hereby approved is commenced or</p> <p>b) before the building(s) is / are occupied or</p> <p>c) in accordance with a timetable agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interests of the amenities of the area.</p>
8.	<p>Prior to any works commencing on site a Construction Management Plan (CMP) in each reserved matters area shall be submitted to and approved by the Local Planning Authority, which shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, and measures to protect adjoining users from construction works. The development shall be carried out in accordance with the approved CMP.</p> <p>Reason: To ensure the development is carried out in a safe and considerate manner</p>
9.	<p>No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of Archaeological work in accordance with that out-lined in "Rockfield Farm, Undy, Monmouthshire Written Scheme of Investigation for Archaeological Works Version 2" (Dyfed Archaeological Trust (Project no. FS16-096, dated April 2017).</p> <p>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.</p>
10.	<p>No development shall commence until a foul water drainage scheme to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the local planning authority. The approved details shall evidence that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.</p> <p>Thereafter, no part of the development shall be brought into use and no dwelling shall be occupied until the agreed foul drainage system has been constructed, completed and brought into use in accordance with the approved scheme.</p> <p>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.</p>
11.	<p>No trees or shrubs are to be removed on each reserved matters area until there has been submitted and agreed in writing a scheme of tree protection in accordance with information shown in the Pre-development Tree Survey dated March 2016. The information shall contain the following:</p> <ul style="list-style-type: none"> • A tree retention and removal plan. • A scaled tree protection plan showing retained trees and their root protection areas on the proposed layout. • An Arboricultural Method Statement showing how trees/shrubs may be protected from harm where construction activity within any root protection area is unavoidable.

	<ul style="list-style-type: none"> • A scheme of access facilitation pruning. • Tree protection barrier details. • A scheme of arboricultural monitoring over the course of the development. <p>Reason To ensure the long term health and viability of valuable green infrastructure assets in accordance with Policy S13 – Landscape, Green Infrastructure and the Natural Environment.</p>
	Pursuant to submission of Reserved Matters
12.	In conjunction with the submission of the first of the reserved matters, a phasing strategy for the whole site shall be submitted to and approved in writing with the Local Planning Authority. The strategy will include development, physical and green infrastructure, and recreation/open space provision. The implementation of the site shall be undertaken in accordance with that phasing strategy.
13.	Each reserved matters application for layout shall include a detailed surface water management scheme, which shall include the programme for its implementation; the development shall be carried out in accordance with the agreed details prior to first occupation of any associated dwelling/building. Reason: To ensure that surface water on site is managed in a sustainable manner and flood risk is kept to a minimum in accordance with Local Development Plan Policy SD4 LDP Sustainable Drainage.
14.	<p>A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority with the first reserved matters application. The content of the Management Plan shall include the following;</p> <ol style="list-style-type: none"> a) Description and evaluation of Green Infrastructure assets to be managed. b) Trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period). g) Details of the body or organization responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. i) A schedule of landscape maintenance for a minimum period of five years. <p>The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the 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.</p> <p>Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.</p>

	(Legislative background – Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016).
15.	<p>Reserved matters applications for layout and appearance shall include a “lighting design strategy for biodiversity” to be submitted for approval in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for biodiversity and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: To safeguard habitat used by foraging and commuting species and to limit adverse changes to behaviour of biodiversity in accordance with LDP Policy EP3.</p>
16.	<p>Each reserved matters application for layout shall include a potable water scheme to satisfactorily accommodate the water usage from the site to be submitted to and approved in writing by the local planning authority. Thereafter, no development shall be brought into use and no dwelling shall be occupied until the agreed foul drainage system has been constructed, completed in accordance with the approved scheme.</p> <p>Reason: To ensure each property can be served with an adequate water supply.</p>
17.	<p>Details of for the re-engineering and change of use for The Elms shall be submitted in conjunction with the relevant reserved matters application for layout. The development shall be carried out in accordance with those approved details.</p> <p>Reason: To ensure that the existing public highway is re-engineered in the interest of highway safety and Local Development Plan Policy MV1.</p>
18.	<p>Each reserved matters applications for layout and appearance shall include full details of noise mitigation for each dwelling to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of each dwelling.</p> <p>Reason: To safeguard the amenities of the occupiers of the dwellings and ensure compliance with Policy EP1 of the Local Development Plan.</p>
	Compliance conditions
19.	<p>If the demolition of Rockfield Farmhouse and associated outbuildings does not commence (or, having commenced, is suspended for more than 12 months) within 1 year from the date of the planning consent, a review of bat roost and nesting bird potential shall be reconsidered. The review shall be informed by further ecological surveys commissioned to</p> <p>i) establish if there have been any changes in the presence and/or abundance of bats or nesting birds and ii) identify any likely new ecological impacts that might arise from any changes. Where the</p>

	<p>survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of stripping and demolition of the Farmhouse and outbuildings. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason: To review impacts on protected and priority species prior to development in accordance with LDP Policy NE1 and The Environment (Wales) Act 2016.</p>
20.	<p>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. 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.</p> <p>Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.</p>

Information Notes

Bats - Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately (0300 065 3000).

Nesting birds - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

Badgers - Please note that Badgers are protected under the Protection of Badgers Act 1992. It is illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so; to intentionally or recklessly interfere with a badger sett by damaging or destroying it; to obstruct access, or any entrance of, a badger sett and to disturb a badger when it is occupying a sett. To avoid breaking the law, follow the advice provided by the consultant ecologist and if work is within 30m of a sett consult with Natural Resources Wales.

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

The Local Planning Authority is to be notified of the commencement of site works. A copy of a standard form is attached to this consent for this purpose.

Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

Street Naming/Numbering - The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk

This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

The reserved matters application(s) for the site should include a scheme of biodiversity enhancements which shall build upon the recommendations of the submitted ecological reports:

Rockfield Farm, Undy, Monmouthshire An Ecological Survey Report by Just Mammals Consultancy LLP on behalf of Monmouthshire County Council dated February 2016
And Rockfield Farm, Undy, Monmouthshire An extended Phase 1 habitat and species assessment and bat and bird survey by Just Mammals Consultancy LLP on behalf of Monmouthshire County Council dated August 2014.

The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

DC/2016/01478

DEMOLITION OF EXISTING ATTACHED GARAGE AND THE CONSTRUCTION OF A NEW BUNGALOW IN THE REAR GARDEN

78 HEREFORD ROAD, MONMOUTH, NP25 3HJ

RECOMMENDATION : APPROVE

Case Officer: Jo Draper

Registered: 27th September 2016

1.0 APPLICATION DETAILS

- 1.1 This application seeks the demolition of the attached garage to no 78 Hereford Road and the construction of a bungalow on a plot to be formed in the rear garden of the property. This is an outline application with access being the only detail to consider as part of this application with all other details being left to be considered at Reserved Matters stage. Illustrative plans have been provided to demonstrate how the bungalow sits on the site.
- 1.2 The bungalow as illustrated sits centrally within the plot there are two gables proposed. This demonstrates how a dwelling with the maximum dimensions indicated sits on the plot, revised plans have been submitted (since the delegated panel meeting) reducing the height to 4.55m, with a minimum height of 4.15m (previously the maximum and minimum was 4.7m and 4.5m respectively). The width has been reduced to a maximum dimension of 10.6m, minimum is 10.4m (previously 10.9m) depth is 10.65m, minimum 10m.
- 1.3 There is a new driveway proposed that runs alongside the house and adjacent to the common boundary with the neighbouring property No 80 Hereford Road. There is a proposed parking and turning area within the front garden of the existing (severed) dwelling. There is an existing 2 metre high fence that forms the common boundary with No 80, it is proposed that the driveway will run near to this with a landscaping strip proposed in the buffer in between. Since the delegated panel visit this driveway has been tweaked to move it further away from the common north boundary so further space is provided to a landscape buffer with new planting proposed in this landscape strip. A new 1.8m high boundary fence is proposed along the southern boundary.
- 1.4 It is proposed to increase the width of the access onto the main highway to 4.1m, with a wider access within the site of 4.1m (this was to respond to highway concerns to ensure that the access met the standard to accommodate a shared access).
- 1.5 The site has a mature hedge to the rear of the plot which is to be retained, a further hedge is proposed to demarcate the new common boundary to the west of the plot between the severed dwelling and the new dwelling. Further tree planting is proposed alongside the existing hedge on the south boundary.
- 1.6 This application was presented to delegated panel and at the request of the delegated panel is now being presented to Planning Committee. Since this date revised plans have been submitted, the height of the bungalow has been reduced maximum height dimensions are 4.55m, minimum height is 4.15m.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Planning Policies

S1- Spatial Distribution of New Housing Provision

S4 - Affordable Housing Provision

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations

EP1 – Amenity and Environmental Protection

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

Supplementary Planning Guidance:

Affordable Housing Supplementary Planning Guidance Adopted March 2016

4.0 REPRESENTATIONS

Consultation Responses

Monmouth Town Council: Approve

MCC Highway Engineer: The application is for the demolition of an existing garage attached to No.78 Hereford Road together with the construction of a new bungalow within the existing rear garden. Access to the site is shared with the neighbouring property, No.80, directly off Hereford Road. Both properties have individual access points directly from the shared drive. As part of the development it is proposed to access the new plot via the existing shared and private access points with a new driveway leading to the rear of No.78 to access the proposed new dwelling.

The application was the subject of a preliminary application enquiry under reference MC/2016/00278. The principle of the development was acceptable to the Highway Authority on the basis that a suitable shared access was provided together with car parking provision in accordance with the MCC Parking Standards 2012.

The level of traffic will intensify at the two existing access points as a result the development must be designed with a minimum width of 4.1m, to allow two vehicles to

pass safely, which is the minimum shared access standard. The applicant has demonstrated that the two existing access points are of shared access standard

Furthermore, adequate parking provision shall also be provided in accordance with the Monmouthshire Parking Standards 2012 – 1 car parking space shall be provided per bedroom per dwelling with a maximum of 3 spaces per dwelling.

Neighbour Consultation Responses

There have been three objections to date, the points raised are summarised below:

1. The development will severely impact the privacy of neighbouring properties
2. The design specifies that only obscure glazed windows will be on the side elevation
 - (i) these designs are not binding on the developer
 - (ii) the windows in the front elevation will face directly onto the rear of neighbouring propertiesThe proposal does not have regard to neighbour's privacy of ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from over-development and insensitive infilling
3. All the developments that have been allowed have worked with the existing building line
4. Road safety will be compromised due to poor visibility and high traffic flows, the proposed development will result in the intensification of the use of a narrow driveway opening onto the road close to the junction with the Vineyard
5. The proposal does not address the restrictive covenant governing maintenance of the shared portion of driveway
6. Detrimental to ecology - loss of garage will affect bats
7. Loss of view from neighbouring properties Planning law Consultant is quoted Martin Goodall "this does not mean that the loss of a view is necessarily irrelevant to planning. The enjoyment of the view could be an important part of the residential amenity of a neighbouring property and its loss might therefore have an adverse impact on the residential amenity of the property"
8. The ridge line of the proposed development will stand nearly 5m above ground level and will dominate the sightline on the right of Hereford road and will be clearly visible from neighbouring properties. A similar effect on the left facing sightline of no 76. This could be mitigated by changing the design, flat roof, green living roof .
9. Loss of privacy and amenity will also be experienced by occupants of severed house
10. Common boundary belongs to no 80 and retention is a matter for the owner not the applicant
11. No visual impact assessment has been provided
12. Proposal for 6 vehicles creates an accident waiting to happen
13. Accentuates visibility and parking problem for neighbours living opposite making egress from the driveway opposite very difficult
14. To allow building behind houses will start a new and unwelcome precedent
15. Added light and noise pollution would adversely affect the well-being of neighbours
16. The proposed building would cover an unacceptable amount of garden, impact upon surface water drainage

17. Proposal is a small plot and does not reflect what is in the area which are large houses on generous plots
18. Position of the sewer will be impacted by the proposed development

In response to the objections raised by neighbours the agent has raised the following points:

a) The proposals are in accordance with the pre-application enquiry that was submitted and recommendations at that stage have been incorporated. The application site is a good sized plot and you stated in your pre-application response that *'there is clearly enough space on site to accommodate this building to the rear without compromising the residential amenity of either of the neighbouring properties including the severed dwelling'*.

b) As a bungalow, the building will be of a small scale and low height, with no first floor windows to overlook the adjacent properties; maximum and minimum dimensions are shown on the drawings. We are also happy for a condition to be added for there to be no habitable windows on the north and south elevations. The slope of the site means that it will be set well down and therefore will not adversely impact on views from the existing properties. The windows to the front of the building will be a long way from the rear windows of the existing houses, for example the distance from the rear of No 78 to the front of the new bungalow will be nearly 30 metres, this is significantly more than is normally considered acceptable between windows on opposite houses. It is also in keeping with the spacing between the houses close by in The Rickfield with those in front of them on the Hereford Road.

c) Access: the neighbours have expressed concern about safety at the access, therefore it is very important to point out again that the proposals will improve safety at the access. At present there is no turning facility on site and vehicles have to reverse into or out of the site. The proposals will provide separate turning areas within the site for both the existing and the proposed dwelling, significantly improving the safety of the access onto Hereford Road. County Highways have confirmed that they have no objection, recognising that the proposed turning areas will be an improvement on the existing situation.

d) The residents of No 80 have mentioned that the question of maintenance of the shared portion of the driveway between nos 78 and 80 has not been addressed in the planning application. Clearly this is not a planning matter and something for the two parties to agree between themselves, should the development proceed.

e) The neighbours have referred to the proposals generating an additional 6 vehicles. This is not correct. With the existing garage there is already space for 3 vehicles on the site. The proposal for the new bungalow will just provide the parking standard required by Monmouthshire County Council of an additional max 3 spaces, although in practice for a small bungalow of this nature it is unlikely that there will be more than 2 vehicles at the new property.

f) Rainwater drainage: there is more than adequate space within the site to provide suitable soakaways for roof drainage and the new drive down to the bungalow will be formed with a permeable surface, this combined with the lie of the land means that there will be no impact on the adjacent properties from surface water.

g) Foul drain I do not foresee any problem in respect of the existing sewer. Appropriate protection measures can be taken if necessary under normal consultation procedures with Welsh Water at the Building Regulation stage.

h) Although landscaping is a reserved matter, proposals have been indicated to minimise any impact on the adjacent properties.

5.0 EVALUATION

5.1 The application site is within the development boundary and in principle is acceptable subject to detailed considerations. The main issues to arise in the consideration of this application are as follows:

Neighbour Amenity

Visual Amenity

Access

Drainage

Ecology

Affordable Housing Contribution

Other issues raised

5.2 Neighbour Amenity

5.2.1 There are three properties that are potentially impacted by this development, no 74 and no 80 Hereford Road and the severed dwelling. Whilst siting is not a detail to be considered as part of this application the illustrative plans show that the proposed bungalow can be centrally located within the plot and demonstrate that satisfactory separating distances can be achieved between the severed dwelling and the proposed dwelling. (There is a distance of more than 27m separating the first floor windows of the severed dwelling to the new common boundary), whilst a sufficient separating distance is proposed between the neighbouring properties and the proposal (over 30 metres).

5.2.2. As the proposal is for a single storey dwelling (that will be subject to an appropriate condition limiting the dwelling to single storey only) there is minimal opportunity for overlooking as viewpoints from habitable windows into adjacent gardens can be screened by boundary materials. The dwelling can also be designed to focus the viewpoint from habitable windows to the front and rear of the proposed property preventing any habitable windows having an outlook towards the neighbouring gardens, whilst the viewpoint can be screened by boundary materials there is more

potential for noise disturbance to arise through open windows that may cause disturbance as the side walls of the bungalow come within close proximity of the common boundaries with the neighbouring properties. An appropriate condition limiting habitable windows to west and east elevations coupled with appropriate boundary materials to provide satisfactory screening will prevent direct overlooking and noise intrusion. Furthermore appropriate landscaping to provide further noise mitigation and to soften the visual impact of the development upon the surrounding area will help mitigate this development into the surrounding area.

- 5.2.3. It is proposed that a new drive will run alongside the common boundary, again this is illustrative and it is important that there is adequate distance and appropriate mitigation incorporated between the driveway and the common boundary of No 80 Hereford Road to minimise the neighbour impact of cars driving alongside the common boundary. There is an approximate 2 metre distance shown on the plans between the drive and the common boundary which tapers into the site away from the neighbouring boundary, there is also an existing high boundary fence although a double buffer of fencing would be appropriate (and maybe necessary given that the neighbour controls the fence) with acceptable boundary materials and an appropriate landscaping belt that would provide an effective buffer and division. Further landscaping has been proposed along the three common boundaries with the neighbouring properties including the severed property. Conditions are recommended to secure this fence and planting and to ensure that the access does not encroach within 2 metres of the common boundary of the existing dwelling along the driveway to the point when it enters the plot. From this point onwards the traffic movements are less and are further away from the neighbour's immediate amenity space (which is normally enjoyed immediately to the rear of the neighbour's property).

5.3 Visual Amenity

- 5.3.1 The proposed dwelling will only be partly visible from the main highway as this will be set behind the existing dwelling with only glimpsed viewpoints of the development being achieved down the proposed new access that serves the plot. The low profile form of the dwelling will ensure that this dwelling will not be visually obtrusive within the streetscape. The engineering works required to facilitate this development namely widening of the access both onto the road and within the curtilage of the severed dwelling are not significant within the street context and are visually acceptable within this setting. From a wider perspective to the east of the site, subject to appropriate materials and landscaping the proposal will sit acceptably within this setting and will be seen in the context of the dwellings situated to the north of the site at The Rickfield that follow a similar building line.

5.4 Access

- 5.4.1 The creation of a shared access to serve both the severed property and the new dwelling has been considered by MCC highway engineers, they are satisfied with the proposal given the improvements proposed with a better turning area serving the existing dwelling and the capacity on site to be able to accommodate both the required number of car parking spaces (one space per bedroom up to a maximum of 3 spaces). Revised plans were submitted to show the shared access being changed

to 4.1m in width onto the main highway and within the residential curtilage, this satisfies highway requirements.

- 5.4.2 The illustrative plans show spaces for two cars to serve the proposed bungalow, technically there should be three and there is capacity to provide an additional space within the plot, subject to a relevant planning condition to secure three spaces within the site the development meets this requirement. With regard to the severed dwelling the proposed access already offers an improvement to that existing as this provides limited car parking spaces and no turning area, the proposed new layout provides 2 car parking spaces and a turning area and there is scope to provide a third space within the garden if necessary. Given the existing situation and the improvement that this development provides this is acceptable in this case. There is no highway objection to this proposal.

5.5 Drainage

Surface water drainage will be detailed at the reserved matters stage, this is not an area that is identified as having a surface water drainage issue and there remains enough land subject to the correct surfacing materials being used to provide the necessary soakaway required for this site.

5.6 Ecology

- 5.6.1 The relevant information was submitted to assess the ecological value of the garage in relation to bats. It was not considered to be a building that had a high potential to be important for bats. However an informative is being added that ensures in the case that during works there is any evidence of an EPS present that works are to stop immediately. Any future applications for Reserved Matters or Full Planning Permission may (depending upon the time taken before the submission of the next application) require an up to date assessment.

5.7 Affordable Housing Contribution

It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. A viability assessment has been undertaken and a financial contribution has been calculated that has been agreed that is subject to a Section 106 Agreement.

5.8 Other Issues Raised

The issue of a view can become a material consideration if the development is situated so close to a neighbour's property that the development may have an over-bearing impact. The issue of neighbour amenity and separating distances is covered in Section 5.2 above Neighbour Amenity. The issue of precedent is not a consideration in this case as each planning application is considered on its own merits.

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.

6.0 RECOMMENDATION: Approve subject to a Section 106 Agreement securing the financial contribution

Conditions:

1. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.
2. This development shall be begun within 5 years from the date of the Outline permission or within 2 years of the date of approval of the last of the reserved matters to be approved whichever is the later.
3. The development shall be carried out in accordance with the list of approved plans set out in the table below.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
5. Details of boundary materials shall be submitted as part of the Reserved Matters Application, the boundary treatment shall be implemented in accordance with the approved details prior to development commencing on site and retained as such in perpetuity. This shall include details of screen fencing along the north and south and west boundary of the plot.
6. Before the dwelling is first occupied provision shall be made within the site for the parking or garaging of a minimum of three cars. A minimum of three car parking or garage spaces shall be retained thereafter.
7. The access that serves the site shall be implemented in accordance with drawing 329/4 Proposed Site Plan prior to occupation of the dwelling hereby approved.
8. 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
9. The dwelling shall be single storey only
10. Before the proposed dwelling is first occupied a turning space shall be provided within the site to enable vehicles to enter and leave the site in a forward direction.

11. No part of the driveway serving the new plot shall be within 2 metres of the north common boundary beyond the rear building line of No 80 Hereford Road up to the west boundary of the plot. Within the plot no part of the driveway or turning area shall be within 1 metre of the north or south common boundary with No 80 and 74 Hereford Road respectively.
12. No part of the driveway serving the new plot shall be within 1 metre of the side elevation of the severed dwelling no 78 Hereford Road.
13. There shall be no habitable windows on the north and south elevations of the dwelling.

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DC/2017/000164

TO EXTEND THE PERIOD OF PLANNING PERMISSION DC/2010/00993 (APPROVED ON 7th MARCH 2012 BY MCC)

GREEN DRAGON PARTNERSHIP, ST. THOMAS SQUARE, MONMOUTH NP25 5ES

RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 27/02/2017

1.0 APPLICATION DETAILS

- 1.1 The application is a renewal of a previously approved application, DC/2010/00993, to construct eight en-suite bedrooms providing bed and breakfast accommodation to be used in conjunction with the existing business. The proposed building would be sited within the rear of The Green Dragon public house, enclosed within the existing yard. It would be a three storey building that would have a footprint that would measure 11.1m x 14.3m and it would have a pitched roof that would measure 5.3m to the eaves and 8.4m to the ridge. The proposed building would be constructed with facing brickwork for the external walls, slate for the roof and uPVC for the openings. The ground floor of the building would accommodate garaging, entrance hallway, store room and laundry room. The upper floors would accommodate the proposed visitor accommodation rooms. The submitted site plans outline the proposed layout which includes parking provision and the use of the existing access.

2.0 RELEVANT PLANNING HISTORY

DC/2012/00459 Change of use of existing granary building into holiday accommodation, to be run in conjunction with the existing business. Approved November 2014

DC/2010/00993 Construction of eight en-suite bedrooms with suites providing bed and breakfast and family accommodation to be used in conjunction with the existing business. Approved March 2012

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 Enterprise and economy
S12 Efficient Resource Use and Flood Risk
S13 Landscape, Green Infrastructure and the Natural Environment
S17 Place making and design

Development Management Policies

EP1 Amenity and Environmental Protection
DES1 General Design Considerations
HE1 Development in Conservation Areas
SD3 Flood Risk

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council – Recommend approval.

MCC Highways Officer – No objections to the proposals.

Glamorgan Gwent Archaeological Trust – No objections to the positive determination of the application subject to the same conditions added on the previous application.

Dwr Cymru Welsh Water – No objections.

Natural Resources Wales - We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. Further information is required to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15. A revised FCA should be undertaken and submitted, prior to extending the period of permission DC/2010/00993, which demonstrates that the risks and consequences of flooding can be managed in accordance with TAN15. If no revised FCA is submitted or any revised FCA submitted fails to demonstrate the risks and consequences of flooding can be managed in accordance with TAN15, then we are likely to object to the application.

4.2 Neighbour Notification

No objections received

5.0 EVALUATION

5.1 Principle of the proposed development

- 5.1.1 The principle of constructing the visitor accommodation building is considered to be acceptable and the proposals have previously been approved as submitted (DC/2010/00993). The site lies within the town of Monmouth within the development boundary where development that would promote tourism and support economic growth would be supported in accordance with Policy S8 of the Local Development Plan (LDP).

5.2 Flooding

- 5.2.1 Natural Resources Wales (NRW) has objected to the application as the submitted Flood Consequences Assessment has not demonstrated that the consequences of flooding can be managed over the lifetime of the development. The application seeks to renew a previous application DC/2010/00993 and NRW did previously object to the proposal which was subsequently approved. The proposed visitor accommodation building does result in a highly vulnerable form of development being constructed within a flood zone (C1 – protected flood plain). Policy SD3 of the LDP outlines that “Proposals for 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 defined settlement boundaries or the proposal is to extend an established tourism, leisure or educational establishment.” The previously approved building is considered to be an extension of the public house and would provide income for the already established tourism/leisure use at the site and also attract visitors to Monmouth to support the local economy. There would be no visitor accommodation on the ground floor of the building resulting in risk to life being minimised in the event of a flood. NRW

objected to the previously approved application (DC/2010/00993) yet there has not been a significant change in the circumstances at the site since the previous approval. The proposed development would be in accordance with the requirements of Policy SD3 of the LDP and it would have a positive impact on the local economy. Therefore the proposed development is considered to be acceptable. If consent is granted conditions relating to the submission of an evacuation plan in the event of a flood would be added to any consent.

5.3 Economic Development Implications

5.3.1 The proposed development would provide tourism accommodation within a central location of Monmouth that would encourage economic growth in the area. The renewal of the previously approved application (DC/2010/00993) is in accordance with the strategic Policies in the LDP.

5.4 Visual impact

5.4.1 The application seeks consent to renew the previously approved scheme to allow additional time to implement the consent. The proposed scale and design of the building is unaltered within this renewal application. There has not been a significant change in planning policies since the previous consent so as to warrant refusing the application. The proposed building would be constructed with brickwork that would match other buildings in the area and it would have a slate roof. The resultant building would be large but it would be sited within a built up area where there is a mix of two and three storeys buildings. The proposed development would have an acceptable visual impact on the area. The development would not harm the character and appearance of Monmouth's Conservation Area and would be acceptable. The approved plans have not altered since the original approval and the development does respect the existing form, scale, layout, massing and materials of its surroundings. The development would be in accordance with Policies DES1, EP1 and HE1 of the LDP.

5.5 Residential amenity/ parking/ access

5.5.1 The proposed development would not have an unacceptable impact on any other party's residential amenity and would be acceptable. There have been no objections to renew the previous consent.

5.5.2 The applicants were asked to amend the internal dimensions of the internal garages to meet the adopted Monmouthshire Parking Guidelines. The proposed development would utilise an existing access point and it would have an acceptable level of parking provision. The Highways Officer has no adverse comments to the proposals. The development would not result in a significant amount of additional traffic in the area and would be in accordance with Policy MV1 of the LDP.

5.6 Conclusion

5.6.1 The application seeks to renew the previous consent DC/2010/00993 for a detached three storey building to accommodate eight visitor accommodation rooms and associated works. The site does lie within flood zone C1 and although NRW has objected to the proposals the development is considered to be acceptable given the level of flood risk to occupiers of the site. The application has previously been approved notwithstanding the objections from NRW and it is not considered that there are any overriding reasons why the development cannot be supported again. The development would be an extension of an existing business and it would be in accordance with Policy SD3 of the LDP. There would be no living accommodation on the ground floor and a condition of the

development would be that a flood evacuation plan is implemented at the site. The proposed development would support a local business and it would enhance the local economy and provide tourist facilities. The development would be in accordance with the relevant Policies of the LDP and therefore the development would be acceptable subject to conditions.

5.7 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

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

6.0 RECOMMENDATION: APPROVE

Conditions

Condition No.	Condition
1	This development shall be begun within 5 years from the date of this permission.
2	Prior to any development of the site, emergency plans for the evacuation of the development during flood events shall be submitted for the consideration and approval in writing by the Local Planning Authority.
3	The building hereby approved shall not be brought into beneficial use unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority.
7	No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
8	New brickwork shall be of a matching brick size, colour band, pointing type and surface texture to existing brickwork. A sample of the new brick shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall be carried out in accordance with the approved sample.
9	A scheme for external lighting shall be submitted for the approval of the Local Planning Authority prior to any works commencing on site. The development shall be carried out in strict accordance with the approved details.
10	The development hereby permitted shall be used for the purpose of providing holiday accommodation only.
11	The development hereby permitted shall not be occupied for a continuous period of more than 28 days by the same individual or the same group of persons in any calendar year and no person shall return within 28 days of a previous period of occupation.

12

A register of all lettings of the holiday unit hereby approved shall be maintained and made available for inspection by the local planning authority at all times.

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DC/2017/00401

REMOVE, DISPOSE AND REPLACE PRE-EXISTING TIMBER STRUCTURE ON A LIKE FOR LIKE BASIS. CHANGE OF USE TO LAND OUTLINED IN GREEN MARKED ON PLANS. LAND PREVIOUSLY USED FOR BOWLING GREEN TO CAMPING ONLY.

THE GLASCOED PUB, MONKSWOOD

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst

Date Registered: 12/04/2016

1.0 APPLICATION DETAILS

- 1.1 This application relates to the Land at Glascoed Pub, Monkswood. The applicant submitted the application as a result of an enforcement enquiry regarding a replacement shed on the site. In addition the applicant wanted to apply to use part of the land at the site for camping as and when required. The site is set well back from the A472 road and surrounded by mature trees and hedgerows.
- 1.2 The planning application was submitted so that the applicant could obtain approval for camping at the site in a particular area which is sited to the east of the clubhouse. The intention was to use the area of land for camping on an occasional basis when the pub held events and the applicant could offer camping on site. The area of the site proposed for camping is approximately 3912 square metres.
- 1.3 Under the Town and Country (General Permitted Development) Order (amendment) (Wales) 2013, Schedule 2, Part 4 allows the temporary use of land for camping for a maximum of 28 days per calendar year. Therefore the applicant could use the site for this purpose without the need for permission.
- 1.4 However, due to circumstances beyond the applicant's control, he has requested that the camping element be withdrawn from this application. On this basis the application will only deal with the retention of the shed on the site.
- 1.5 The new shed has replaced an old dilapidated building that was used in connection with the bowling green on the site. The new wooden structure measures 9.095m x 4.53m x 2.376m (2.7m to the ridge). The shed has been split into two rooms with two small windows to either side of the two doors at the front. The shed will be used for changing facilities but there are no toilets or showers.

2.0 RELEVANT PLANNING HISTORY

E17/111	Unauthorised works	Pending outcome of planning application
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3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Planning Policies

S11 – Visitor Economy

S13 – Landscape, Green Infrastructure and the Natural Environment

S16 - Transport

S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations

EP1 – Amenity and Environmental Protection

T1 – Touring Caravan and Tented Camping Sites

MV1 – Proposed Developments and Highway Considerations

NE1 – Nature Conservation and Development

4.0 REPRESENTATIONS

4.1 Consultation Replies

Goytre Community Council – recommend approval - The like for like building we have no objection to if its to be used for its original purpose. If there is to be a change of use we would expect to see a separate application specifying details.

MCC Highway Engineer – It is accepted that the site has an extant use, a licensed premises (Social Club), now known and operating under the name, Glascoed Pub and a former sports field that provided cricket and football pitches for the use of ROF Glascoed employees and the local community etc. It is accepted that the extant use of the site generated varying levels of traffic at times over the years for numerous sporting, social and community events. The site is accessed via an existing access approximately 5.50metres wide directly off the A472 a classified road subject to the national speed limit (60mph).

Although the site has accommodated significant traffic movements in the past, its former use would not have generated traffic movements (vehicular, pedestrian) movements of the like that would be associated with the development of a camping site, in this regard the applicant has not provided information that supports the change of use and demonstrate that the proposal will not compromise highway safety. I would therefore request that the application is deferred until the required level of detail and information is submitted to support an application of this size and nature, namely; Transport Assessment - Detailed proposed development layout drawing indicating parking provision for the existing commercial premises, camping pitches and ancillary buildings etc.

Following submission of the aforementioned the highway authority will be able to assess the affect/impact of the proposed change of use on the adjacent highway network and recommend improvements or mitigation measures that may be required if the change of use is granted.

Environmental Health – Whilst I am currently investigating complaints from this site and previous camping events has been mentioned in these complaints, statutory nuisance has not been proved at this point and therefore I am not in a position to substantiate a level of disturbance on which to base any objection. Clearly with an application of this nature, disturbance may occur from time to time but clearly this will depend on management of the site. Under the Public Health Act 1936 Section 269 (2) – If camping is due to occur more than 42 consecutive days or more than 60 days in a 12 month period then a license would need to be obtained from the Environmental Health Section.

Biodiversity – Due to the change of circumstances within the application with the withdrawal of the camping element. The Biodiversity officer has no comments to make.

4.2 Neighbour Notification

9 letters of objection have been received raising the following areas of concern:

- Concern of visual impact
- Change of use will have a very negative and detrimental impact on the quality of life and amenity of residential properties
- Noise Disturbance
- No Supervision of the site
- Privacy
- Noise from increased traffic to and from the site
- Littering
- Concerns about sanitation
- Create noise, smoke and light pollution
- Health and safety issues

14 letters of support have been received highlighting the points:

- Will bring employment
- Boost to local economy
- Improve and enhance the site
- Improve facilities of the club
- Community facility

4.3 Local Member Representations

County Councillor Val Smith – no comments on the application to date.

5.0 **EVALUATION**

5.1 Principle of the proposed development

Prior to determining this application for the change of use of part of the site to be used for camping and the retention of a wooden shed to the eastern part of the site, the applicant has approached the Council requesting that the camping element of this application is formally withdrawn. The application will now only deal with the retention of the shed on the site which is to be used for storage and changing facilities. There are no toilets or showers in the shed.

5.1.1 National Policy

5.1.2 National planning policy on tourism is set out in Chapter 11 of Planning Policy Wales (PPW, Edition 9 November 2016) and reflects the Welsh Government's aim to encourage tourism to grow in a sustainable way and make an increasing contribution to the economic, social and environmental well-being of Wales (11.1.2). It provides for the planning system to encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and local communities (11.1.4).

5.1.3 PPW recognises the importance of tourism to economic prosperity and job creation and its ability to act as a catalyst for environmental protection, regeneration and improvement in both urban and rural areas. In rural areas tourism-related development is considered to be an essential element in providing for a healthy, diverse local economy and in contributing to the provision and maintenance of facilities for local communities.

However, it also clarifies that such development should be sympathetic in nature and scale to the local environment and to the needs of the visitors and the local community.

5.1.4 Local Development Plan

5.1.5 Strategic Policy S11 *Visitor Economy* of the Local Development Plan (LDP) sets out that “proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations”.

Although currently not adopted, Supplementary Planning Guidance (SPG) in respect of Tourism is due for public consultation and is intended to provide certainty and clarity for applicants, officers and Members in the interpretation and implementation of the existing LDP policy framework in relation to proposals for sustainable visitor accommodation.

The LDP defines sustainable tourism as tourism that is ‘economically viable, generates local benefits, is welcomed by and helps support local communities, reduces global environmental impacts and protects/enhances the local environment’ (5.82).

In this instance the trailer tent accommodation provided, although of good size, would be moveable and is therefore considered to be a low impact form of visitor accommodation and would satisfy Policy S11 in principle.

The type of accommodation proposed is considered to fit within the remit of ‘glamping’, the draft SPG does identify the following key principles this form of accommodation should reflect:

- Generate benefits for the local economy (residents and visitors)
- Protect and enhance landscape character and natural/historic environment i.e. visually unobtrusive
- Scale and design appropriate to site context.
- Locally adapted (recognising that sustainable accommodation solutions can be diverse/unique)
- Generate minimal car trips
- Make use of renewable energy resources (energy efficient)
- Capable of being removed without leaving a permanent trace

5.1.6 The first of these principles is key in considering the principle of development as it is recognised that tourism is a fundamental part of Monmouthshire’s economy. In 2015 there were 2.19 million visitors to the County, with tourist expenditure amounting to £187 million. Tourism also provides opportunities for enterprise and employment, and is a significant employer in the County. The other principles highlighted in 5.1.5 are addressed in the ensuing sections of this report.

5.1.7 Strategic Policy S5 – Community and Recreation Facilities aims to provide, protect and enhance community facilities and open spaces to assist in promoting sustainable communities in Monmouthshire. Policy CRF1 seeks to protect and retain existing community facilities in Monmouthshire’s towns and villages, as it is recognised that community facilities are an essential element in promoting the quality of life in communities and should be retained. In this case the retention of the building will enhance the sporting and recreational facilities at the premises which will help to retain an existing facility while promoting sport, health and recreation.

5.2 Visual Amenity

5.2.1 Whilst the site does not fall within a designated landscape area or Article 1(5) land the proposal is situated within a large area of sports fields which surrounds the clubhouse. Prior to the erection of the shed the area to the east of the clubhouse was extremely overgrown and untidy, the previous bowling green and tennis courts had been disused for many years. The area was cleared from all overgrowth and the ground is due to be

re-seeded. The location of the building is in the exact position as the previous building. Hedgerows with mature trees surround the site although it is quite sparse near the roadside. The land surrounding the club house has been used as sports fields in the past and will continue to be used for that purpose.

5.2.2 The proposed structure is a timber building measuring around 9m in length by 2.7m high, there are no windows on the rear or side elevations. It has been erected on an existing hardstanding and has a canopy above the doors. It is the applicant's intention to use it as changing facilities and storage as per its previous use.

5.3 Residential Amenity

5.3.1 The closest neighbouring property Whitecroft, is located approximately 50 metres away from the clubhouse on the opposite side of the A472. Whilst the application was originally for the change of use of an area of land to the eastern part of the clubhouse to camping, this element has now been withdrawn. Whilst the majority of objections were in connection with the change of use element of this application, no objections have been received in relation to the retention of the shed at the site. It is considered that the retention of the shed on the site will not have any unacceptable harm to local residential amenity or have a detrimental impact on the neighbouring residential properties and therefore complies with policy DES1 and EP1 of the Monmouthshire Local Development Plan .

5.4 Highway Safety

5.4.1 The access into the site is an historic entrance. Concerns from our Highways engineer have been based on using the site for camping in addition to the use as a pub. Since this element has been withdrawn the request for additional information is not required.

5.5 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

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

6.0 RECOMMENDATION: APPROVE

Conditions:

1.	The shed shall be used in connection with the Glascoed Pub for changing facilities and storage only and not for any residential purposes. Reason: To protect residential amenity
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DC/2017/00453

CHANGE OF USE FROM A1/A3 MIXED USE TO FULL A3 USE AS A TAKEAWAY OPERATING 7 DAYS A WEEK UNTIL 11PM.

1 THE BARTON, AGINCOURT SQUARE, MONMOUTH, NP25 3BT

RECOMMENDATION: Approve

Case Officer: Jo Draper

Date Registered: 13.05.2017

1.0 APPLICATION DETAILS

- 1.1 The Barton is a narrow lane/footway which runs from Glendower car park behind Church Street to the network of lanes near the Beaufort Arms/Shire Hall in Monmouth town centre, and includes the dog leg running back to the junction of Church Street and Agincourt Square. The premises subject of this application is currently vacant but was previously used by a teashop come garden centre that was allowed to be open until 19.00h, Monday to Saturday and 18.00h on Sundays and Bank Holidays to cater for evening trade, the premises also had a licence.
- 1.2 The site comprises a building of no particular character and fenced compound behind existing buildings in Agincourt Square; the site is visible from the car park and from that part of The Barton which runs from the junction of Church Street with Agincourt Square. There is an extant planning permission for the redevelopment of this site to demolish the existing building and redevelop the site with a mixed use of offices and residential units.
- 1.3 The site is roughly square in shape, with a frontage to The Barton of 18.7m. To the north it faces the rear of properties on Church Street/Agincourt Square and the lane between those two rows of buildings. To the east it faces the car park, to the west it faces a strip of open land beyond which is a side elevation of the Beaufort Arms (with the residential block known as Beaufort Court alongside), while to the south it adjoins the curtilage of the block of flats known as Beaufort Mews. The single storey building which occupies part of the site has some stone in its elevations but is mainly of brick; the adjoining area is open, the site as a whole being clearly visible through the chain link fencing to The Barton and the car park. Close boarded fencing and block walling form the remaining two boundaries.
- 1.4 This application proposes to use the site as an Indian takeaway with operational hours until 23:00h proposed. There are no external changes proposed to the building with the exception of an extraction system proposed to the east side of the building towards the car park. A dedicated single pedestrian access is proposed from the Barton, and all openings leading onto the open yard that faces south towards Beaufort Court are to be used for ventilation and staff access only. The enclosed yard situated to the south (that has a tree within it near to the edge) is to be used for staff car parking.
- 1.5 The site lies within Monmouth Conservation Area and Central Shopping Area.
- 1.6 The applicant has provided the following information in support of the application :
 - (i) As nearby residential properties are within 25 metres, the extraction system that is proposed shall not exceed the existing background noise level at any time by more

than 5dB(A) at any residential property to ensure that the amenities of occupiers of other premises in the vicinity are protected.

- (ii) The propose flue will be fitted with a three stage carbon filter. The flue will exit the building at a high point (north – east elevation of proposed plans) and will be resiliently fitted to the structure so it only sits on the roof (south – east elevation of proposed plans) mounted on vibration rubber to prevent transmission of vibration.
- (iii) Fume Extraction from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odorising filters. Further to the above, any ducting shall be resiliently mounted to prevent the transmission of vibration through the structure of the building. The ducting will terminate at a high level which will allow any odours to disperse.
- (iv) In accordance with pre-planning application advice – we will not allow the use of our car park to the public or customers to minimise noise because of the close proximity to residential dwellings. This area will only be used as a staff car park area. Customers have ample parking in the car parks behind the site.

2.0 RELEVANT PLANNING HISTORY

DC/2016/01113 Variation of condition no. 1 of Conservation Area Consent
DC/2010/00468 Current

DC/2016/01112 Variation of condition no. 1 of planning permission DC/2010/00467.
Current

DC/2015/00238 Change of Use from A1 to A3/A1 mixed Use. Approved 22/04/2015

DC/2010/00468 Conservation Area Consent Demolition of existing single storey building and the new building of a mixed use development of two offices and four units
Approved 29/07/2010

DC/2010/00467 Demolition of existing single storey building and replacement by a new mixed use development of two offices and four residential units
Approved 17.11.2011

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6 Retail Hierarchy
S17 Place Making and Design

Development Management Policies

DES1 General Design Considerations
EP1 Amenity and Environmental Protection:
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 pollution;
- Noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety

RE2 Central Shopping Areas :

Within CSAs (except for Primary Shopping Frontages), subject to detailed planning considerations:

- a) proposals which will safeguard the vitality, attractiveness and viability of the defined CSAs will be permitted;
- b) a change of use from Classes A1, A2 or A3 on the ground floor with street frontage to uses other than Classes A1, A2 or A3 will not be permitted, unless it can be demonstrated that criterion (a) can be met by attracting footfall;
- c) change of use to residential of ground floor premises will not be permitted unless evidence is provided to demonstrate that the premises is not viable for retail or commercial use, including that the premises has been vacant for at least one year and that genuine attempts at marketing the existing use have been unsuccessful.

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council: No comment to date, to be reported as late correspondence

Environmental Health: Of particular significance to my position the applicant has indicated how he would address concerns of noise and odour from this proposal but has provided no real support as to how this will be achieved.

There are also a number of objections to the proposal on the grounds of noise and odour from residents of nearby properties.

Whilst I am of the opinion that I am not in a position to substantiate an objection to proposal I would looking to ensure appropriate conditions, as outlined below, are attached to any application granted:

- Before the use of the development commences a noise mitigation scheme shall be submitted in writing and approved in writing by the local planning authority. The mitigation scheme should detail measures that will be implemented to ensure that any noise associated with the development does not cause detriment to the amenity or a nuisance to those living and working in the area.
- Before the use of the development commences a scheme containing full details of arrangements of internal air extraction , odour control and discharge to atmosphere from cooking operations including any external ducting and flues shall be submitted in writing and approved in writing by the local planning authority. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is carried out unless otherwise agreed beforehand in writing with the local planning authority.

Highways: No objection

The site is located to the rear of Agincourt Square. It can be accessed by pedestrians from the Town Centre via Agincourt Square has existing vehicular access via the Glendower Street public car park.

The supporting plans show there is space within the site to the rear of the building to provide vehicular parking for staff. It is expected that any customers arriving to the site by vehicle will use the adjacent public car park.

In light of the aforementioned comments there are no highway grounds to sustain an objection the application.

There are no specific conditions we wish to request from a highways standpoint with regards to any grant of planning approval.

4.2 Neighbour Notification

7 representations of objection have been received raising the following issues:

- Previous use as a tea shop and garden centre had better times of opening and did not have an impact upon neighbouring properties
- Encourage people to congregate particularly after closure of local business and public houses at 11am
- Beaufort Arms Grade 11 building so not allowed double glazing therefore the impact of noise and smells is worse
- Closure time of 23:00 7 days a week offers no respite for neighbours
- Littering
- Noise disturbance
- Odours
- Poor occupation of pedestrian entrance, narrow street poorly lit cause further nuisance alternative access should be considered
- Mature tree in grounds could be affected
- Materials inappropriate
- Disabled transport service uses the car park area adjacent to the site

14 representations of support received raising the following points:

- Existing site is an eye sore and it needs tidying up
- 3 Indian restaurants in Monmouth but no takeaway
- Ideal for small independent business with ample car parking close to the site
- Nearby businesses and public houses close at the same time as the public house so this will not serve the outfall from these uses at closing time
- No change in external appearance
- Location serves the proposed use well
- Tenant has built up an excellent reputation as a responsible entrepreneur with an established business Indian Summer in Monmouth

4.3 Other Representations

Monmouth District Council for Chamber of Commerce:

- Applicant run a successful business in Monmouth for period of 12 years
- Site sits on a cut through from Church Street and Glendower Street and does not lend itself to A1 uses
- This is not in the primary shopping frontage where retaining percentage of A1 uses is important
-

4.4 Local Member Representations

No representations received to date

5.0 **EVALUATION**

The principle of an A3 use in this location is acceptable in policy terms; the site is currently vacant and is situated with the Central Shopping Area.

The main issues that arise in the consideration of this application are the following:

5.1 Visual Impact

5.1.1 There is a proposed flue to the north east elevation, final details regarding finishing materials, height etc. to be submitted at a later stage. This application establishes the principle of the A3 use in this location with the requested opening hours, the applicant intends to provide full details of the extraction system to be determined as a formal discharge of condition application. (In this case all relevant consultations are undertaken as part of this application including consultation with neighbouring properties, Conservation, Environmental Health). The principle of an extraction flue in this location (that meets the requirements of environmental health in terms of noise and odour mitigation) is acceptable in principle given that this building has no distinct design or style that needs preserving and does appear as a functional building situated to the rear of the main retail street.

5.2.1 Neighbour Impact

5.2.2 The main issue that arises with this proposal given this central shopping location is that of residential amenity and the impact of the proposal upon the residents that live in the nearby residents of Beaufort Arms.

5.2.3 The issue of noise and smell is addressed by an appropriate extraction system that will be subject to a further application and must meet the requirements of Environmental Health in addressing noise and smells. Conditions are recommended accordingly.

5.2.4 As this is a takeaway, the use is contained within the building and there is no external seating. The potential disturbance arises from people entering and leaving the site. In this case all visitors must access the takeaway from the pedestrian access on the Barton which is out of viewpoint of Beaufort Arms and noise and disturbance is effectively partly blocked by the existing building. All customers must use the car park and cannot access the yard (conditions recommended accordingly) this is to be used for staff car parking only. The potential disturbance from vehicular traffic manoeuvring within the enclosed yard adjacent to the shared amenity space belonging to Beaufort Arms is not considered to be significant in this case by virtue of the low vehicular numbers using the compound, good boundary material (in the form of a high boundary

wall and a mature tree separating the two uses) and the use is within the foreground of a large public car park.

5.2.5 The proposed hours of operation are until 11pm in the evening, this coincides with the closing times of other business and uses within close proximity of the application site. The nature of an Indian takeaway is one whereby people visit and leave, it does not encourage lingering where people can eat from the containers outside the unit (like a fish and chip shop or kebab shop) so a condition is recommended that the user be limited to an Indian Takeaway only and for no other use. It is recommended that a closing time of 10:30pm is recommended for Sundays and Bank Holidays again to coincide with the closing times of the adjacent uses.

5.2.6 The proposal has been designed to ensure visitors both pedestrian and vehicular are on the opposite side of the building to that of the neighbouring residential properties. This is set within a Central Shopping Area where A3 uses are considered to be acceptable, the site is situated within close proximity of other A3 uses and there is a satisfactory separating distance between the application site and Beaufort Arms for the impact upon neighbour amenity to not be significant in this case.

5.3 Other Issues Raised

The issue of littering and business rates is not a planning consideration. As this site is within a Central Shopping Area and not a Primary Shopping Area the number of A3 uses and Indian restaurants takeaways is not a consideration in this case.

Response to the Representations of the Community/ Town Council 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.

6.0 **RECOMMENDATION: Approve**

Conditions

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Prior to development commencing on site a noise mitigation scheme shall be submitted in writing and approved in writing by the local planning authority. The mitigation scheme should detail measures that will be implemented to ensure that any noise associated with the development does not cause detriment to the amenity or a nuisance to those living and working in the area.
4	Prior to development commencing on site a scheme containing full details of arrangements of internal air extraction , odour control and

	discharge to atmosphere from cooking operations including any external ducting and flues shall be submitted in writing and approved in writing by the local planning authority. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is carried out unless otherwise agreed beforehand in writing with the local planning authority.
5	The premises shall not be used for the approved purposes outside the following times 09.00h-23.00h, Monday to Saturday and 10.00h to 22.30h on Sundays and Bank Holidays.
6	The use shall be for an Indian Takeaway only and for no other use with the A3 use Class
7	The yard situated to the north of the building is to be used for staff car parking only
8	There shall be no external seating for customers
9	Pedestrian access will be via the Barton only on the south west side of the building

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24/04/17

gan Mr A Thickett BA (Hons) BTP
MRTPI Dip RSA

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 08.05.2017

Appeal Decision

Site visit made on 24/04/17

by Mr A Thickett BA (Hons) BTP MRTPI
Dip RSA

an Inspector appointed by the Welsh Ministers
Date: 08.05.2017

Appeal Ref: APP/E6840/A/17/3168423

Site address: The Old Smithy, 34 Maryport Street, Usk, Monmouthshire, NP15 1AE

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 Michael Farkas against the decision of Monmouthshire County Council.
 - The application Ref DC/2015/01588, dated 23 December 2015, was refused by notice dated 18 January 2017.
 - The development proposed is the conversion with alterations and extensions to former gallery to provide two dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted subject to the conditions set out in the Schedule at the end of this decision.

Main Issues

2. The main issues are the impact of the proposed development on highway safety and the living conditions of nearby residents with regard to the availability of on street parking.

Reasons

3. No off street parking spaces are proposed to serve the proposed development. According to the Council's Parking Standards Supplementary Planning Guidance (SPG) one space is required for each bedroom. Each dwelling would have two bedrooms but the Council consider that a study in one of them could be used as a bedroom and therefore 5 parking spaces are required. The appellant disagrees but for the purpose of my assessment I will assume that the requirement is 5. Following the refusal of the appeal application the Council permitted the conversion of the gallery to a 4 bed dwelling. The SPG requires 3 parking spaces (the maximum sought no matter the number of bedrooms above 3). The building is currently vacant and in a poor state of repair but the existing permitted use would also require 3 spaces. The Council is clearly satisfied that a use requiring 3 parking spaces when none are provided on site is acceptable.

4. There was space for 5 or 6 cars between the site and the junction of Maryport Street and Church Street at the time of my visit and lots more space to the south of Old Market Street. Admittedly that was mid-morning when residents would have been at work but a survey carried out by the appellant shows capacity at the beginning and end of the working day. Further, the SPG recognises that standards should be applied flexibly and matters such as accessibility by foot and cycle will be taken into account. The site is a short walk from the shops and other facilities offered by Usk. The town has a small supermarket, a range of other shops and a primary school. Its facilities would meet day to day needs and, in my view, the SPG's standards should be applied flexibly in this case.
5. A number of houses on Maryport Street do not have off street parking and residents must be used to not always being able to park in front of their house. I do not consider that this proposal, which at most would require an additional two spaces, would lead to a significant increase in vehicle movements over and above that already considered to be acceptable or cause undue inconvenience to existing residents.
6. I conclude, therefore, that the proposed development would not have an adverse impact on highway safety or the living conditions of nearby residents and that it complies with Policies S16 and DES1 of the Monmouthshire County Council Local Development Plan 2011-2021, adopted 2014.

Other matters

7. The proposed extension to the building would be exactly the same as that permitted by the Council to accommodate the conversion of the building to a 4 bed house and I have read nothing to indicate that this planning permission would not be implemented were this appeal to fail. Both Nos. 32 and 36 have windows in the elevations facing the appeal site. The proposed extension would be set back from both boundaries and I agree with the Council that the relationship between the proposed development and neighbouring dwellings would be such that it would not have an unacceptable impact on the living conditions of the occupiers of Nos. 32 or 36.
8. The site lies within Usk Conservation Area. Again, the works to the building proposed in the appeal and permitted schemes are the same. I consider that they are sympathetic with regard to the building and the Conservation Area as a whole.

Conditions

9. I have considered the Council's suggested conditions in light of the advice in Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management. Given the site's location in a Conservation Area, flood zone and historic Usk, it is necessary to impose conditions relating to materials, archaeology and finished levels. I note that Dŵr Cymru seek a condition prohibiting the discharge of surface water into the public sewerage network. The conclusion in the appellant's Flood Consequences Assessment (FCA) that the site is well served by the existing surface water system is not disputed. Further, I see no need to duplicate the controls under Building Regulations. The Council require the development to be carried out in accordance with the appellant's FCA but, having considered the report, I see no need to require anything further beyond finished levels.
10. The appellant's ecological survey recorded potential bat roosts but no bats were seen or recorded on site. Nor were any nesting birds found. Notwithstanding these findings the Council require the provision for bat roosts and nesting birds. The Council refer to the Natural Environment and Rural Communities Act 2006 but that has been superseded in Wales by the Environment (Wales) Act 2016. Section 6(1) of that Act

states that a public authority '*must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions*'. Advice on the proper exercise of those functions in relation to the imposition of planning conditions is set out in the Circular. The Circular states that conditions may only be properly imposed where they meet the tests, including that they must be necessary. In light of the findings of the ecological survey the requirement in this case cannot, in my view, be said to be necessary in order for the proposed development to proceed.

Conclusions

11. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.
12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Anthony Thickett

Inspector

Schedule

APP/E6840/A/17/3168423

The appeal is allowed and planning permission is granted for the conversion with alterations and extensions to former gallery to provide two dwellings at 34 Maryport Street, Usk, Monmouthshire, NP15 1AE in accordance with the terms of the application, Ref DC/2015/01588, dated 23 December 2015 submitted with it, subject to the following conditions:

- 1) The development shall begin no later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans nos. 1034(01)15, 1034(02)15, 1034(03)15 Rev E and 1034(04)15.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved in writing by the local planning authority. Thereafter, the programme of work will be carried out in accordance with the requirements and standards of the approved scheme.
- 5) Finished floor levels shall be no lower than 17.3 metres above Ordnance Datum (AOD).