

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Friday 25<sup>th</sup> August 2017

Notice of meeting:

## Planning Committee

Tuesday, 5th September, 2017 at 2.00 pm,  
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

### AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 8
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2017/000027 - THE ERECTION OF A RAW WATER PUMPING STATION (RWPS), FISH SCREEN, TRANSFORMER STATION, SECURITY FENCING, LIGHTING, UNDERGROUND PIPEWORK, LANDSCAPING, BUILDING DEMOLITION, MODIFICATIONS TO EXISTING SITE ACCESS, ALONG WITH TEMPORARY COFFER DAM, CONSTRUCTION COMPOUND AND CONSTRUCTION ACCESS. PRIORESS MILL RWPS, PRIORESS MILL LANE, USK.	9 - 28
4.2.	APPLICATION DC/2017/00122 - PROPOSED CONVERSION OF REDUNDANT BARN TO SINGLE DWELLING. DYFFRYN FARM, LLWYNA LANE, PEN-Y-CAE-MAWR, USK, NP15 1LR.	29 - 38
4.3.	APPLICATION DC/2017/00539 - OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF UP TO 70 DWELLINGS, OPEN SPACE, PLAY SPACE PROVISION, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE. LAND WEST OF ROCKFIELD ROAD, ROCKFIELD ROAD, MONMOUTH NP25 5DS.	39 - 58
4.4.	APPLICATION DC/2017/00705 - 250 SEATED STAND AND HARD STANDING PATHS. UNDY ATHLETIC FOOTBALL CLUB, THE RAMP, UNDY NP26 3EN.	59 - 62

4.5.	APPLICATION DC/2017/00707 - DEVELOPMENT DESCRIPTION: REPAIRS AND ALTERATIONS TO FORMER SHOP UNIT TO NEW RETAIL UNIT INCLUDING ALTERATIONS TO THE SHOP FRONT. LOCATION: 25 MONNOW STREET, MONMOUTH, NP25 3EF.	63 - 66
4.6.	APPLICATION DC/2017/00728 - RESERVED MATTERS APPLICATION FOR FOUR DETACHED DWELLINGS.FORMER WENTWOOD INN, CHEPSTOW ROAD, FIVE LANES, CAERWENT.	67 - 72
4.7.	APPLICATION DC/2017/00761 - PROPOSED SINGLE STOREY SHOP EXTENSION AND FORMATION OF ADDITIONAL CAR PARKING. ABERGAVENNY SERVICE STATION, 5 HEREFORD ROAD, ABERGAVENNY.	73 - 78
4.8.	APPLICATION DC/2017/00786 - CHANGE OF USE FROM A CONVENIENCE STORE TO A FISH & CHIP SHOP. MARDY STORES, HEREFORD ROAD, MARDY, ABERGAVENNY, NP7 6HU.	79 - 84
4.9.	APPLICATION DC/2017/00808 - PROPOSED TEMPORARY SPORTS BUILDING, CHANGING UNITS AND TOILET BLOCK LOCATED ON EXISTING HARD STANDING TENNIS COURTS FOR USE BY LOCAL COMPREHENSIVE SCHOOL, WHILE UNDERTAKING PROPOSED WORKS TO EXISTING LEISURE CENTRE. MONMOUTH LEISURE CENTRE, OLD DIXTON ROAD, MONMOUTH, NP25 3DP.	85 - 88
4.10.	APPLICATION DC/2017/00876 - ALTERATIONS TO GARAGE AND SHOWROOM FACADES. CLYTHA MOTORS, MERTHYR ROAD, LLANFOIST, NP7 9LP.	89 - 92
4.11.	APPLICATION DC/2017/00898 - TO ERECT A STEEL FRAME LEAN TO, JOINING ONTO THE SIDE OF AN EXISTING BUILDING; 18.3M LONG X 6.1 M WIDE X 3M TO LOWEST AND 4.2M TO HIGHEST, TO BE USED AS A HAY BARN/IMPLEMENT SHED. RED HOUSE FARM, WHITEHILL LANE, ROCKFIELD, MONMOUTH NP25 5NH.	93 - 96
5.	Appeal Decision - The Stables, Land off Treherbert Road.	97 - 98

**Paul Matthews**  
**Chief Executive**

## MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

### 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](http://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)
- TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

### **Other matters**

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

#### Planning (Wales) Act 2015

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

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

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

#### Environmental Impact Assessment Regulations 2016

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

#### Conservation of Species & Habitat Regulations 2010



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

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

#### Well-being of Future Generations (Wales) Act 2015

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

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

A number of sustainable development principles are also set out:

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

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

#### Crime and Disorder Act 1998

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

## Equality Act 2010

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

## Children and Families (Wales) Measure

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

## **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](mailto:registertospeak@monmouthshire.gov.uk). Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

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

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

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

### Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

### Procedure at the Planning Committee Meeting

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

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

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

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

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

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

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

### **OFFICERS IN ATTENDANCE:**

Craig O'Connor	DM Area Manager
Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
John Rogers	Legal Officer
Paula Harris	Democratic Services Officer

#### **1. Apologies for Absence**

County Councillor J. Becker.

#### **2. Declarations of Interest**

County Councillor L. Brown declared and personal and prejudicial interest in relation to application DC/2015/01465 as she knows a neighbour who lives next door to the application. County Councillor L. Brown left the meeting taking no part in the discussion or voting thereon this item.

County Councillor M. Feakin declared and personal and prejudicial interest in relation to application DC/2016/00936 as he has already seen the application and made judgement on it at Monmouth Town Council. County Councillor M Feakin left the meeting taking no part in the discussion or voting thereon this item.

#### **3. To confirm for accuracy the minutes of the previous meeting**

The minutes of the Planning Committee meeting dated 4<sup>th</sup> July 2017 were confirmed and signed by the Chair with one amendment;

Application DC/2017/00159

“County Councillor L. Brown proposed that we be minded to refuse application DC/2017/00159 on the grounds that the ~~site is prone to flooding and that an additional two properties located on the site will exacerbate the flooding issues~~ proposal

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st August, 2017 at 2.00 pm

was contrary to Local Development Plan policies DES1 (in respect of over development of the site) and SD3 (as the proposal would exacerbate local flooding issues). County Councillor G. Howard seconded the proposal.”

#### **4. To consider the following Planning Application reports from the Chief Officer - Enterprise**

##### **4.1. APPLICATION DC/2015/01465 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF SINGLE DWELLING AND ANNEX, 29 HARDWICK AVENUE, CHEPSTOW**

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

The local member County Councillor J. Becker was unable to attend the meeting in person but sent the following statement;

I'm very familiar with this building. It has been an eyesore for local residents for years, with the applicant seemingly unwilling to let go of an intent to build unacceptable flats on the plot. I, like the officers and local residents, am much happier with the new proposal. The pre-construction conditions are sound and, along with the off street parking provision, answer my main concerns. It's a shame about the 106 contribution, especially given how the applicant has dragged their heels on this, but as the rules give us little leeway in this matter it certainly isn't reason to refuse. I recommend acceptance of the proposal.

Mr Richard Lewis, a local resident attended the meeting by invitation of the Chair and outlined the following points in objection of the application:

- Residents at number 6, 8, 10, Grossmont and Pendragon House have raised their concerns regarding the on street vehicle parking situation.
- Non-residents use the street as free parking making it virtually impossible for residents to park outside their properties.
- It was requested that consideration was given for the current plan for the proposed new vehicular access to be handed to alleviate access issues.
- Concerns were raised by the resident at number 27 who felt that the garage annex building at the rear of the property will be too large.

A Member spoke in favour of the development which they felt was long overdue commenting that the proposed design was in keeping with the surrounding properties.

In respect to remarks made about the vehicle parking situation a Member commented that he was saddened by objections raised to new properties being built due to the lack of on street parking.



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A Member questioned the size of the roof, stating that it looked top-heavy, in response an Officer advised that they were happy with the roof as it stepped down in an appropriate way.

In noting the detail of the application, it was proposed by County Councillor D. Dovey and seconded by County Councillor P. Murphy that application DC/2015/01465 be approved subject to the eleven conditions, as outlined in the report.

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

For approval - 13

Against approval - 0

The proposition was carried.

We resolved that application DC/2015/01465 be approved subject to the eleven conditions, as outlined in the report.

It was noted that an informative should be added regarding need to deal with on-site Japanese Knotweed.

#### **4.2. APPLICATION DC/2017/00122 - PROPOSED CONVERSION OF REDUNDANT BARN TO SINGLE DWELLING, DYFFRYN FARM, LLWYNA LANE, PEN-Y-CAE-MAWR, USK, NP15 1LR**

We considered the report of the application, which was presented for refusal subject due to the following reason;

The barn is considered to be of inadequate size to provide suitable living space for a permanent dwelling within the structure. It is therefore considered to be contrary to Policy H4 (f) of the Monmouthshire Local Development Plan.

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

Mr Gwyn Williams, Chair of Llantrisant Community Council who is also a local farmer attended the meeting by invitation of the Chair and outlined the following points in support of the application:

- The property is a redundant cow shed, not suitable for modern farming and if not developed will most likely fall down.
- The applicants have lived on the site for many years and by developing the small barn for a residential property it will free up the property they currently reside in for their children.

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- Mr Williams objected to officer's recommendation that the property is too small stating that this should be a decision for the people who intend to live in the building.
- The building will provide sought after affordable housing.
- A smaller barn conversion in Monmouthshire had previously been granted planning permission.

In noting the detail of the application, the following points were noted:

When asked to clarify the difference between a holiday let and a home, we were answered that a home would have need more space for domestic items requiring outbuildings, domestic storage, sheds, etc.

A Member spoke of looking at applications in planning terms raising concerns regarding the small size of the property and asked if there was Welsh Government guidance as to a minimum habitable size. We were advised there is no minimum size standard for private market housing.

A Member told the Committee that she had recently visited a Council flat which was smaller than the proposed application and that people live in permanent caravans, therefore it should be the decision of the applicant as to what they deem too small. Officers referred to their concerns regarding future pressure for extensions, which would not be acceptable.

Quoting policy H4 from the LDP, a Member asked if the building could be linked to the bungalow as an ancillary building.

The point was made that consideration needs to be given to intergenerational relationships and care of the elderly in the community. If the applicants do not invest in this heritage asset, the asset will be lost and the applicants will have to find suitable accommodation elsewhere. It was proposed that the permitted development rights were removed and that the domestic curtilage will be restricted.

In noting the detail of the application, it was proposed by County Councillor M. Feakin and seconded by County Councillor A. Webb that application DC/2017/00122 be approved.

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

For approval - 12

Against approval - 2

The proposition was carried.

We resolved that application DC/2017/00122 be deferred to the next meeting to be approved.

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### **4.3. APPLICATION DC/2015/01556 - CHANGE OF USE FROM FIRST FLOOR OFFICE TO RESIDENTIAL USE, PICTON HOUSE, LOWER CHURCH STREET, CHEPSTOW**

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

The local member County Councillor J. Becker was unable to attend the meeting in person but sent the following statement;

Very familiar with this one, as it's almost opposite my office. It's the site office for the 7Quay development. They've done a good job with the building so far, I have no reason to believe that they would do anything less than provide a sensitive conversion for the first floor. Now if only the developer could get a bit more movement on the main 7Quay site. I recommend acceptance of the proposal.

Having considered the report of the application, it was proposed by County Councillor P. Clarke and seconded by County Councillor R. Harris that application DC/2015/01556 be approved subject to the four conditions, as outlined in the report.

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

For approval – 14

Against approval – 0

The proposition was carried.

We resolved that application DC/2015/01556 be approved subject to the four conditions, as outlined in the report.

### **4.4. APPLICATION DC/2016/00936 - DEMOLITION OF EXISTING DILAPIDATED WORKSHOP AND CONSTRUCTION OF REPLACEMENT WORKSHOP, MAYHILL WHARF, STAUNTON ROAD, MONMOUTH NP25 3LX**

We considered the report of the application, which was recommended for approval subject to the eleven conditions, as outlined in the report.

A question was asked regarding the increased volume of traffic accessing and exiting the site and we were told that it was felt there would not be a significant increase.

It was felt that the application was positive with it making a significant improvement to the site which has previously looked very untidy and also the employment opportunities will be beneficial to the County.

Having considered the report of the application, it was proposed by County Councillor A. Webb and seconded by County Councillor G. Howard that application DC/2016/00936 be approved subject to the eleven conditions, as outlined in the report.

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

For approval – 13

Against approval – 0

The proposition was carried.

We resolved that application DC/2016/00936 be approved subject to the eleven conditions, as outlined in the report.

**4.5. APPLICATION DC/2017/00035 - CONSTRUCTION OF A NEW VEHICULAR ACCESS FROM THE PUBLIC HIGHWAY INTO PART OF THE WOODSIDE TRADING ESTATE, WOODSIDE TRADING AND INDUSTRIAL ESTATE, WOODSIDE, LLANBADOC, USK, NP15 1SS**

We considered the report of the application, which was recommended for approval subject to the two conditions, as outlined in the report.

Officers were thanked by the Vice-Chair for bringing common sense to the application by enabling the provision for local residents to park off the road. The type of bollard proposed was questioned.

Having considered the report of the application, it was proposed by County Councillor M. Feakin and seconded by County Councillor A. Davies that application DC/2017/00035 be approved subject to the two conditions, as outlined in the report.

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

For approval – 14

Against approval – 0

The proposition was carried.

We resolved that application DC/2017/00035 be approved subject to the two conditions, as outlined in the report with added conditions about i) details of the bollard being submitted to and agreed by the local planning authority before the access improvement is completed, and ii) parking spaces shown on the approved plan 1630/103, being marked out and made available for use by local residents within one month of the access improvement being completed.

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**5. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received**

**6. Appeal Decision - Langley House, Babington Close, Trellech, Monmouthshire, NP25  
4SD**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 24<sup>th</sup> April 2017.

The appeal referred to boundary enclosures and planning conditions which required retention of a hedge. The hedge was removed, a fence erected and a laurel hedge was put in.

We lost the appeal as the inspector felt the laurel hedge (as opposed to a native species hedge suggested by officers) was acceptable in the conservation area.

**7. New Appeals Received 26.05.17 to 19.07.17**

The Committee noted the report.

**The meeting ended at 3.42 pm**

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DC/2017/000027

**THE ERECTION OF A RAW WATER PUMPING STATION (RWPS), FISH SCREEN, TRANSFORMER STATION, SECURITY FENCING, LIGHTING, UNDERGROUND PIPEWORK, LANDSCAPING, BUILDING DEMOLITION, MODIFICATIONS TO EXISTING SITE ACCESS, ALONG WITH TEMPORARY COFFER DAM, CONSTRUCTION COMPOUND AND CONSTRUCTION ACCESS**

**PRIORESS MILL RWPS, PRIORESS MILL LANE, USK**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham  
Date Registered: 02/02/2017

## **1.0 APPLICATION DETAILS**

- 1.1 This application has been submitted on behalf of Dwr Cymru Welsh Water (DCWW) which has statutory responsibility for the provision of water and sewerage services across Wales and parts of Western England. The application site is situated approximately 1.2km north-west of the town of Usk in Monmouthshire. Access to serve the proposed Development site is via Prioress Mill Lane which is connected to the A472, approximately 250m to the south-west. The site is located in open countryside. A small part of the site to the north lies within the River Usk which is designated as a Special Area of Conservation (SAC) as well as a Site of Special Scientific Interest (SSSI) and also lies within an area of Flood Risk. Prioress Mill and Cottage, a Grade II listed building is located in close proximity to the application site, to the east.
- 1.2 The predominant land use surrounding the application site is agricultural although there is a small group of residential properties. The closest residential properties are located on Prioress Mill Lane, approximately 20m from the existing Pumping Station building. Other residential properties are located along the A472, opposite the entrance to Prioress Mill Lane. An equestrian centre is located to the south of the A472, close to the western part of the application site. A public right of way (PROW), the Usk Valley Walk crosses this part of the application site in a north-south direction.
- 1.3 The proposed development includes the following elements;
- New Pumping Station Building;
  - Seven Fish Screens;
  - Temporary Cofferd-Dam;
  - Transformer Station;
  - Temporary Construction Compound and Construction Access;
  - Underground pipework;
  - Security Fencing
  - Lighting/CCTV;
  - Modifications to the existing site entrances on Prioress Mill Lane;
  - Landscaping; and
  - Demolition of the existing Pumping Station.
- 1.3 The proposed development also involves the permanent overhead diversion of a 66kv overhead line (OHL) to the west of the new Pumping Station. This involves the building of a new wooden pylon in the agricultural field on the northern bank of the River Usk and as an interim measure, diversion of the cable underground to facilitate construction

works. The works will be undertaken by the distribution network operator, Western Power Distribution outside the planning application process under the Electricity Act 1989.

- 1.4 The temporary diversion of the Usk Valley Walk PROW that crosses the site of the proposed construction compound is also required and will be undertaken separately outside this planning application under the relevant legal provisions.
- 1.5 Prioress Mill RWPS has been identified by DCWW as a high risk asset with operational and maintenance issues based upon the reliability, age and safety of the installed mechanical and electrical equipment. All mechanical and electrical assets are estimated to be 35 years old and are considered to be in poor condition. Corrosion and leakage are present on the pumps and mechanical installation. The pumps and shafts are subject to a high failure rate and maintenance spend. The motors, electrical switchgear, assemblies and controls are also 35 years old and at the end of their serviceable life. There are also undesirable hydraulic condition issues at the sump and pump intake arrangement causing unnecessary wear.
- 1.4 National Resources Wales (NRW) is due to introduce new abstraction licence constraints at Prioress Mill by the end of 2018. The seasonal constraints under the new licence conditions increase the criticality and need for an ongoing high reliability of service. Under the new abstraction licence, maximum pump availability will be required between November and March each year in order to replenish Llandegfedd Reservoir (which is fed from Prioress Mill RWPS). Any failure at Prioress Mill resulting in a capacity reduction may result in Llandegfedd levels remaining low throughout the summer period, increasing the risk of reduced production from Sluvad WTW (which in turn is fed from Llandegfedd Reservoir). Due to the criticality of this asset, there is the subsequent risk of a shortage of water to the Cardiff distribution area.
- 1.5 Furthermore the existing water intake screening facilities at Prioress Mill RWPS do not meet the requirements of European Directive 92/43/EEC or the Conservation of Natural Habitats and of Wild Fauna and Flora 'the Habitats Directive ' and The Eels (England and Wales) Regulations 2009 and so need to be upgraded.
- 1.6 In accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 *'the EIA Regulations,'* an Environmental Statement has been prepared and is submitted in support of this planning application. In addition, a Green Infrastructure Concept Statement; Construction Traffic Management Plan; Landscape and Visual Impact Assessment; Noise Impact Assessment; Historic Environmental Desk Based Assessment; Water Framework Directive Assessment Screening Report and Habitat Regulations Assessment Screening Matrices are also provided. The statutory requirement for a Design and Access Statement is duly noted and has been prepared as a separate report to accompany this planning application.
- 1.7 A Public Consultation Report, prepared in line with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) (amendment) Order 2016 also accompanies this planning application.

## **2.0 RELEVANT PLANNING HISTORY**

No recent applications.

M/9528 Replacement of Prioress Mill Weir  
Refused 12/12/06



### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### Strategic Policies

- 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

- LC1 – New Built Development in the Open Countryside
- LC5 – Protection and enhancement of Landscape Character
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- EP2 - Protection of Water Sources and the Water Environment
- NE1 – Nature Conservation and Development
- GI1 – Green Infrastructure Provision
- MV1 – Development and Highway Considerations
- MV3 – Public Rights of Way
- SD3 - Flood Risk
- SD4 – Sustainable Drainage

### **4.0 REPRESENTATIONS**

#### 4.1 Consultations Replies

##### 4.1.1 Llanbadoc Community Council – Recommend refusal.

1. There are a number of key policies which appear pertinent to the application and which were considered accordingly  
LC1,LC5,S2,SD3,S10,S13,S17,RE3,RE4,RE5,RE6,NE1,EP1,DES1,TS and T3.
2. It was noted that the application relates to an existing use (raw water pumping) which needs to be updated/improved. The site is located in the open countryside and as such policies in relation to the protection and enhancement of the landscape should be considered but we feel that they have not been. Landscaping and tree screening should be detailed to ensure sympathetic development.
3. Part of the site is located in the River Usk floodplain and we noted the response by NRW to these issues which should be addressed. In addition we noted the concerns of local residents with regard to increased surface water run-off and note that these concerns have not been considered in detail.
4. Policy number MV1 requires a Construction Traffic Management Plan to be submitted, which it has been but does not appear to address residents and should be more detailed.
5. There is a Right of Way passing through the site which is intended to be diverted during construction and we noted the residents concern with regard to this matter.
6. The information provided in the application did not appear to consider in sufficient detail the protection of the landscape character and nature conservation. In particular the building scale (especially height) appear to have changed and could be considered unsympathetic to the environs.
7. Noise levels (policy number EP1) both during and post construction have been noted as being of particular concern to local residents and whilst a noise impact

assessment has been carried out it did not appear to properly address these concerns by means of proper analysis.

8. Policy number DES1 should be considered as a matter of importance and again does not appear to have been considered in sufficient detail - for example the requirements of the Well Being of Future Generations Act 2015 do not appear to have been met.

9. We noted the objections raised by affected residents who clearly feel that their views have not been taken account of. For example construction time span, working hours (including week ends) etc.

4.1.2 Natural Resources Wales – No objections. Based on the information submitted, we recommend that you should only grant planning permission if you attach the suggested conditions. These conditions would address significant concerns that we have previously identified and we would not object provided you attach them to any planning permission.

4.1.3 Glamorgan Gwent Archaeological Trust – No objections.

4.1.4 MCC Biodiversity Officer – No objection subject to conditions (included at end of report).

#### Protected Sites

The proposed development site is located on the southern bank of the River Usk, which is designated as a SAC and SSSI. A Habitats Regulations Assessment of the proposal has been undertaken by Monmouthshire County Council. This assessment is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can grant permission for the project. A number of hazards have been identified and counteracting measures allow a conclusion of No Significant Effect to be reached subject to the use of standard planning conditions to secure the measures.

#### Protected Species

##### Otter

Consideration for otter has been covered through the HRA process above, note that the three protected species tests will need to be considered (see NRW comments for Favourable Conservation Status test).

##### Bats

The Protected species report prepared by Arcadis dated November 2016 confirms that No bats were recorded roosting on site, and the building and tree inspections recorded negligible potential for roosting features on site. The River Usk corridor and Craig y Garcyd SINC woodland were noted for their potential to support commuting and foraging bats. Lighting of the site in the long term will need to consider foraging/commuting bats and light spill to these features.

##### Dormouse

Dormouse have been confirmed using suitable habitat at the site. A section of important hedgerow will be removed in order to facilitate access to the temporary site compound from the A472. Scrub habitat areas will also be lost in order to accommodate access between the temporary site compound and the main works area. A dormouse licence will be needed to undertake these works (a ghost licence has already been prepared) that the three protected species tests will need to be considered (see NRW comments for Favourable Conservation Status test). The hedgerow will be reinstated and enhanced with species-rich new / replacement hedgerow planting and therefore the impact will only be temporary.

### Nesting Birds

Areas of bird nesting habitat will be disturbed and removed during works. If vegetation clearance is to be undertaken within the breeding bird season (March to August, inclusive), then preconstruction surveys for nesting birds should be carried out by a suitably qualified ECoW, within 48 hours of the vegetation clearance. Any vegetation clearance should only take place once the absence of nesting birds has been confirmed and with regard to the presence of other protected species. A planning condition shall be used to secure this.

### Priority Habitat

The proposed development will result in the loss of some small scale habitat (woodland and scrub) located along the northern boundary of the site on the edge of the SINC (Craig y garchyd woodland) as a result of the new intake structure. However, other habitat areas that will also be removed in order to facilitate the construction phase are to be reinstated / replaced and over time will re-establish. Mitigation, in the form of a Green Infrastructure Plan has identified enhancements that can be made within the site that will result in a localised net gain for biodiversity. A management plan condition shall be used to ensure long term management of the site and compensate for the loss of priority habitats.

### Invasive non-native species

Himalayan Balsam, cotoneaster and giant hogweed have been identified at the site. The former presents a high risk to the biodiversity value of the SAC and wider environment and its spread must not be facilitated during development. The project Environmental Management Plan shall help to control this and a planning condition is recommended.

- 4.1.5 MCC Environmental Health Officer (Noise) – With regard to the context, the predicted noise level of typically 34 – 36dB is significantly lower than existing levels influenced by the existing facility presented by the applicant in the January and 11th April reports. These levels range from 43 – 47dB for daytime and 42 – 45dB for night periods. On this basis I do not therefore object to this application as the development will potentially significantly improve the noise climate from the existing situation particularly when the facility is working in its ‘summer operational mode’ when the levels are predicted to be lower than those presented in the above referenced assessment. However please note in my view there will be the potential for noise, particularly from the extract fans on the southern façade, to be audible at times at the nearby dwellings especially during evening / night hours as background sound levels drop. Complaints of disturbance to this section would be considered with regard to the statutory nuisance provisions of the Environmental Protection Act 1990. A defence against any action taken under these provisions would be show that the best practicable means were used to prevent, or to counteract the effects of, the nuisance. Conditions are recommended (included at end of report)
- 4.1.6 MCC Highways – No objections subject to conditions (included at end of report). Following satisfactory receipt of revisions we as Highway Authority are in a position to offer our support to the development proposal and therefore will not require any pre-commencement planning conditions. The only conditions that we will specify from a Highways standpoint is that the development is carried out strictly in accordance with the approved plans, construction traffic management plan and method statement.
- 4.1.7 MCC Planning Policy – No objection in principle.
- 4.1.8 MCC Green Infrastructure, Landscaping and Urban Design Officer –

MCC broadly agree with the baseline study of the site and the evaluation of proposed redevelopment, and its potential impact on landscape character and visual amenity: the construction, scale and end use will have a moderate adverse impact on landscape character and visual amenity. Given the significance of this effect, MCC secured improvements to the design of the building and additional screening (landscape planting) to reduce its overall visual impact.

We have requested the use of a recessive colour scheme and the use of two material types; to reduce the overall scale and mass of the building and its elevations (as viewed from key receptor points). We have also secured an improved landscape planting scheme, to provide additional mitigation at a local level (screening) and in the wider context; by integrating the proposal with the surrounding landscape and planning views to and from the proposal.

The revised building design, strategic landscape planting scheme (including SUDS) and a management plan will reduce the overall long-term impact on visual amenity and landscape character.

We would therefore support the proposal, subject to the conditions being imposed to the planning permission (see conditions set out at end of report).

#### 4.2 Neighbour Notification

Objections received from nine local households on Prioress Mill Lane:

- The revised modelling has again failed to address our objection, with regard to increased flood risk from erosion, nor has it satisfied NRW's instructions adequately. The report acknowledges the proposed intake will cause scour but does not consider where the scoured material will be deposited. We would suggest this would typically be at around 3-5 channel widths below the scour hole i.e. 90-150m. That is to say directly in front of our flood defences where it would have the effect of reducing the effectiveness of those defences.
- We would hope that NRW would not consent a 10m/30% narrowing of the river channel.
- There remains an unknown but potentially catastrophic erosion impact on the privately funded Prioress Mill Flood Defences and nearby HT power line pylons.
- Even using the applicant's most optimistic figures the design clearly cannot meet reasonable noise emission standards.
- The proposed pump house building was never designed to contain sound levels – at almost 12m high, with a bank of 8 external HVAC fans at high level pointing towards the nearby residents and a large internal void volume. Whilst some mitigation conditions regarding addition of sound insulation have now been applied after pressure from residents and intervention by MCC EHO, it remains a fatally flawed design which should not be accepted in its current form.
- Screen conifers restrict light into no.7 Prioress Mill Lane.
- Flawed public consultation process and no regard had for concerns of residents.
- Working hours (which include weekend working) are totally unacceptable to residents and this major project is happening right in the middle of a quiet open countryside historical small residential area.
- In order to access the field through the gate, all construction/delivery vehicles will in effect have to cut across the very top of Prioress Mill Lane (junction with A472). Running underneath that junction are mains gas and water pipes. These have ruptured frequently in the past due to large cranes and other vehicles using the lane to access the water treatment plant.
- At peak times the general flow of traffic eastbound and westbound on the A472 makes this junction difficult to navigate. With the addition of another 170 or so access/egress

journeys by construction related traffic, negotiating the junction will be nigh on impossible.

#### 4.3 Other Representations

Usk Town Water Fishery Association – Object to the application.

- Alarmed by the prospect of a 10 metre structure protruding into the river channel where the entire width is probably around 30 metres only as this would appear disproportionately harmful and dangerous.
- Concerned about implications of erosion of the left bank together with downstream movement of the river bed when the volume of water reaches dangerous proportions in flood conditions. Owing to the natural flow always having run to the left bank when going downstream a short distance to the former show field side a tendency towards erosion can already be seen and confirmed and the proposal can only exacerbate that when the river rises in even modest flood conditions. Significant downstream movement of stones and gravel can also prove ruinous to pools and the river environment below the site.
- Anticipate that over the duration of the construction the provision of a substantial coffer dam will be a necessity. While works in the river channel are generally only consented in the summer months between May and October when flows are usually more benign, there is always the chance of a substantial short lived but fierce summer spate which could impact owing to the remaining open channel on the left bank being temporarily restricted. These possibilities need examination and must lead to a conclusion more certain than the “unlikely to change” status specified in the last sentence of the Arcadis document.

#### 4.4 Local Member Representations

Cllr Val Smith – Concerns over design and requests that the application is presented to Committee if recommended for approval.

### 5.0 **EVALUATION**

#### 5.1 Principle of Development

5.1.1 At a national level, Planning Policy Wales (PPW) 9th Edition (Welsh Government, November 2016) provides relevant planning guidance. The content of national guidance must be taken into account by local planning authorities when deciding planning applications.

5.1.2 Paragraph 12.1.1 of PPW states that, *‘adequate and efficient infrastructure, including services such as education and health facilities along with water supply, sewers, waste management, electricity and gas (the utilities) and telecommunications, is crucial for the economic, social and environmental sustainability of all parts of Wales. It underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working. At the same time, infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.’*

5.1.3 Paragraph 12.1.4 states the Welsh Government’s aim to secure the environmental infrastructure necessary to achieve sustainable development, while minimising adverse impacts on the environment, health and communities. The guidance notes

that new approaches to infrastructure will be needed in light of the consequences of climate change.

- 5.1.4 Alongside PPW, Technical Advice Note 12 (TAN 12) '*Design*', Welsh Government (2016) is the principal source of design guidance for Wales providing a broad framework with which to steer design standards and principles at the local level. It fully advocates those aspects of good design identified in PPW and presents a series of guidelines to deliver these elements.
- 5.1.5 The Local Planning Policies contained within the Adopted Monmouthshire Local Development Plan that need to be considered as part of this application are listed above in Paragraph 3.0. In terms of the principle of development, Policy LC1 relates to new build development in the open countryside. While the proposed development does not constitute one of the exceptions listed in Policy LC1, it is recognised that the open countryside is an appropriate location for a development of this nature where the requirement to be sited in proximity to a river corridor dictates its location. As noted in the policy guidance, support for such development is provided for by national planning policy in which the provision of key infrastructure, including water supply is considered necessary to supporting economic, social and environmental sustainability. In addition, the proposed building structures are all sited within the existing operational area of the site in close proximity to existing buildings, in compliance with policy criterion b).

## 5.2. Visual Amenity and Landscape Impact

- 5.2.1 The existing Pumping Station is the main building within the RWPS site. The building includes a water intake structure consisting of two intake trash screens on the riverbank. Isolation and drain valves are located in separate chambers near to the western edge of the site, along with four surge vessels within a reinforced concrete structure to the south of the Pumping Station Building.
- 5.2.2 A surface car park is also provided to the south of the Pumping Station and to the east is a transformer building. An area of broad-leaved semi-natural woodland is located in the north western corner of the site, extending beyond the site's operational boundary. Elsewhere areas of amenity grassland, hedgerow, scrub, shrubs and coniferous hedgerow are found within the site. The site is enclosed by 2.4m metal palisade and chain link fencing.
- 5.2.3 An electrical substation is located immediately to the south of the application site. Overhead power cables connect to this substation to the north, west and south and some of these overhead lines cross the western edge of the existing DCWW site.
- 5.2.4 The proposed Pumping Station is to be located immediately to the west of the existing Pumping Station building on land currently occupied by hard standing, amenity grassland, shrubs and broad-leaved semi-natural woodland. The proposed building would comprise a large pump hall in its northern half, and a Motor Control Centre (MCCtr) in the smaller southern half of the building. An underground structure beneath the footprint of the pump hall will extend into the river bank to facilitate the water intake structure, including seven fish and debris screens. The dimensions required for this building (32m L x 28.5m W x 10m H) are based on the need to provide the necessary space, particularly the head height for the internal pumps and their maintenance. Connected to this, the adjoining MCCtr building is of smaller scale (15.5m L x 12m W x 5.3m H) responding to its particular operational requirements, whilst seeking to ensure that the overall massing of the building is reduced as far as possible. The building heights are fixed and constrained by the plant and operational requirements.

It should be noted that the applicant's design team have already reduced the building height during the design process to the minimum allowable for the station to function.

- 5.2.5 A new Transformer Station is to be installed between the proposed Pumping Station and an existing off-site electricity substation. The transformer serves to reduce the voltage supplied by the Distribution Network Operator (DNO) for the site and will be under the ownership and control of the DNO. New underground pipework is to be installed to the south of the Pumping Station, connecting this building to the existing pumping mains. This proposed building is similar in scale to the existing switch building on-site, measuring 14.6m L x 5.3m H x 5.5m W.
- 5.2.6 The existing Pumping Station building is to be decommissioned and demolished to ground level once the replacement Pumping Station is operational.
- 5.2.7 A landscaping scheme, comprising species-rich woodland planting is proposed, along with hedgerow infill planting and wildflower grassland planting at various locations across the RWPS site, including the site of the existing Pumping Station.
- 5.2.8 The application site is not subject to any international or national landscape designations. A landscape and visual impact appraisal has been undertaken for the proposed development in accordance with published Guidelines for Landscape and Visual Impact Assessment. This has concluded that insofar as construction activities are concerned these would constitute temporary elements within the local landscape and views. The appraisal considers that following construction, the proposed infrastructure would be apparent from limited vantage points within the locality, due to the presence of existing woodland and hedgerows but would generally be seen in the context of infrastructure and built development nearby, such as the adjacent electricity sub-station. In addition, existing vegetation and proposed planting would serve to strengthen existing landscape characteristics, limit visibility of the proposed development, and integrate the proposals with the surrounding landscape and views. Overall, the applicant's landscape assessment concludes that landscape and visual effects are considered to be 'Moderate adverse' during construction and operation.
- 5.2.9 In terms of construction activities, the LVIA recognises that the movement of plant and vehicles and the creation of material stockpiles will introduce temporary elements within the local landscape and views. Overall, considering the nature of construction activities, particularly their very transient characteristics, the magnitude of landscape and visual impacts is considered within the Assessment to be *Moderate adverse*.
- 5.2.10 Following construction, the LVIA notes that the proposed infrastructure would be apparent from limited vantage points, due to the presence of existing woodland and hedgerows. It also notes that the immediate landscape is largely defined by mixed built form and that the proposed development would only result in minor change to the setting of this area, which already includes similar built development.
- 5.2.11 In conclusion, the LVIA considers that existing vegetation and proposed planting would serve to strengthen existing landscape characteristics within the River Usk corridor, integrating the proposed development within its setting. The overall significance of landscape effect during operation is therefore considered to be *Moderate adverse*.
- 5.2.12 It is proposed to retain and protect the existing native tree/scrub/woodland and hedgerow vegetation, wherever possible. River bank restoration (in areas of building/structure demolition) and protection. Appropriate treatment of non-native invasive species to be carried out within the boundary of the site involve:

- Woodland, tree and shrub planting, comprising of native tree and shrub species;
- Wildflower grassland seeding;
- Species specific mitigation, compensation and enhancements (such as for otters and dormice).

5.2.13 The applicant proposes to retain areas of mature vegetation along the riverbank and re-plant native woodland species to the old pumping station site. They also propose to plant a section of the site, to the west of the new pump station with trees and shrubs. The creation of woodland to screen the pump station from sensitive viewpoints is welcomed. Following discussions with the Council's Landscape Officer, the layout of the proposed planting has been naturalised and now also includes several stands of (native) black poplar. The creation of an area of wet woodland to the west of the site was also suggested but this is not possible as the land is outside the control of the applicant and used for grazing.

5.2.14 Furthermore, the cladding material for the pump station has been amended to include vertical timber boarding at high level with non-reflective cladding in a recessive colour below. This brings a more agricultural character to the building and breaks up the mass as it was not possible to reduce the overall height of the building due to the size of the plant within and the need for the floor level to be above that of the river flood plain.

### 5.3 Biodiversity Considerations

5.3.1 The proposed development site is located on the southern bank of the River Usk, which is designated as a SAC and SSSI. The proposed abstraction point for the RWPS is to be installed within the channel of the River Usk SAC / SSSI. The Environmental Statement notes that at present the water intake compromises the integrity of the River Usk SAC / SSSI as fish (including those identified within the SAC citation) are affected by the works through the lack of mitigation measures to prevent entrapment during the abstraction process. The proposed development will therefore help to protect the integrity of the River Usk and the fish assemblage present.

5.3.2 The proposed development will result in the loss of some small scale habitat (woodland and scrub) located along the northern boundary of the site as a result of the new intake structure. However, other habitat areas that will also be removed in order to facilitate the construction phase are to be reinstated / replaced and over time will re-establish. Mitigation, in the form of a Green Infrastructure Plan has identified enhancements that can be made within the site that will result in a localised net gain for biodiversity.

5.3.3 The ecological features of the site were surveyed and established through a series of environmental and biodiversity reports the product of which was the identification of certain areas which are of greater value. The use of these areas will be minimised by the design in order to reduce the impact upon the environment.

5.3.4 An important section of hedgerow will be removed in order to facilitate access to the temporary site compound from the A472. Scrub habitat areas will also be lost in order to accommodate access between the temporary site compound and the main works area. However, the hedgerow areas will be reinstated with species-rich new / replacement hedgerow planting and therefore the impact will only be a temporary one.

5.3.5 A Project Environmental Management Plan (PEMP) has been prepared to accompany the planning application, setting out a range of environmental management initiatives and the promotion of good standards of environmental awareness. It is suggested that



it should be a condition of any consent that the development is undertaken in accordance with this plan.

5.3.6 As the proposal affects Otter and Dormouse habitat the three tests under the Habitats Regulations are considered:

European Protected Species – Three Tests

In consideration of this application, European Protected Species (otters and dormice) will be affected by the development and it has been established that a derogation licence from Natural Resources Wales will be required to implement the consent. 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 NRW / Council 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.

Development Management Comment: The provision of a replacement, fit for purpose Raw Water Pumping Station is needed in the national interest as it is essential infrastructure. The current Prioress Mill RWPS has been evaluated by operators as being inefficient and inadequate to keep up with current consumer demands, and presents an unacceptable risk to the security of supply to the reservoir to which it is linked. It has been determined that a refurbishment of the existing station to meet the demands is not possible within the operational constraints of the station and as such a new RWPS facility is required. In addition, the existing water intake screening facilities at Prioress Mill RWPS do not meet the requirements of the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora 'the Habitats Directive' and The Eels (England and Wales) Regulations, 2009 and so need to be upgraded.

- (ii) There is no satisfactory alternative

Development Management Comment: By implication the replacement pumping station is site specific and practically has to be developed on this site next to the River Usk alongside existing utilities and infrastructure.

- (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.

Development Management Comment: Dormouse have been confirmed using suitable habitat at the site. A section of important hedgerow will be removed in order to facilitate access to the temporary site compound from the A472. Scrub habitat areas will also be lost in order to accommodate access between the temporary site compound and the main works area. The hedgerow, however, will be reinstated and enhanced with species-rich new / replacement hedgerow planting and therefore the impact will only be temporary.

Chapter 5 of the ES states all excavations will be securely fenced or covered, outside of working hours, to prevent any otters and other mammals becoming trapped. Scaffold boards will also be used to form ramps which will provide a means of egress in the event of otters / other mammals entering into any excavations. In addition, efforts will be made to keep the site secure to keep otters excluded from areas where they could be injured or harmed during the construction phase. This is also covered by the otter licence method statement. A planning condition has been required by NRW to ensure that the method statement is implemented.

Permanent loss of riparian habitat will occur beneath the footprint of the new inlet structure where the new fish screens are to be installed. The otter licence method statement states that once the decommissioning of the existing RWPS has taken place, the existing abstraction point will be reinstated and new riparian habitat created. Therefore, it is not considered that the loss of habitat will have a significant effect on the interest features of the SAC. The Otter licence method statement states that a new otter holt will be incorporated into the adjacent woodland as compensation for the resting site. This will be of more value to otters in the long-term and positioned in a more secluded location away from the existing DCWW site.

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard for the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that planning conditions are used to as set out at the end of this report.

#### 5.4 Flooding

- 5.4.1 DCWW is proposing to construct a new RWPS, requiring an inlet/abstraction point leading from the River Usk into the works. The nature of the new intake structure is such that it is required to be sited in a fluvial location. The proposed new pumps would operate under a new abstraction licence which will set the limit for the maximum amount of annual water abstraction from the River Usk.
- 5.4.2 A Flood Consequences Assessment (FCA) has been undertaken in support of the planning application, in order to demonstrate that the proposal has been made safe through design, is flood resistant and does not increase flood risk elsewhere. The FCA has shown that fluvial flooding from the River Usk is considered to be negligible as the site is elevated and protected by flood defences. As there is no history of groundwater flooding at the application site and the proposed development includes no activities likely to impact groundwater flooding, the risk of flooding from groundwater sources is also considered to be negligible.
- 5.4.3 As the majority of the application boundary has a 'very low' surface water flood risk the proposed development site is categorised by NRW as being at 'low' risk of flooding. Consequently, the risk of flooding from surface water sources is considered to be minor. The proposal will not result in significant long-term increases in the impermeable area of the site and includes the incorporation of appropriate SuDS techniques and general improvements to the current drainage situation. The proposed development would therefore not result in any significant increases in flood risk to the site or third party areas, and instead is likely to result in slight beneficial impacts.
- 5.4.4 The proposed development includes the construction of a flood bund to protect the proposed pumping station from major mains bursts at the connection between the existing 48 inch pipeline and the proposed 1200mm pipeline and therefore the risk of flooding from artificial (reservoir) sources is considered negligible.
- 5.4.5 The proposed development site is located 20km inland and at a minimum elevation of 20m AOD, and therefore the risk of flooding from coastal and tidal sources is considered negligible.
- 5.4.6 The applicant has prepared a hydraulic flood model to assess the risks and consequences of flooding. This model has been verified by NRW and it has been confirmed that it is fit for purpose. The model has also used the latest climate change guidance (i.e. + 25%). The results of this model are presented in the submitted "Flood Modelling, including New Channel Survey – Technical Note" dated 16 May 2017. The

technical note demonstrates the impacts of the development on flood risk elsewhere during a range of flooding scenarios including the extreme 0.1% annual probability event.

- 5.4.7 The model and technical note indicates that a small area of agricultural land on the left bank of the Usk could experience an additional 20mm of flooding during the extreme 0.1% flood event. You should note that the increases are constrained to land immediately upstream of the new pumping station which is currently at risk of flooding to depths of 3 metres during 0.1% event. The applicant has demonstrated there will be no increase to the extent of flooding and more importantly there is no change to the onset of flooding when comparing the pre and post development scenarios. On this basis NRW have confirmed that they do not have concerns over flood risk elsewhere as a result of the proposed development. As such there is no basis on which to sustain an objection to the application based on potential flooding.
- 5.4.8 It is recognised by the applicant that the presence of the new RWPS will result in local acceleration of flows during large flow events due to the narrowing of the river by approximately 10m (worst case 1/1000 flows). This may result in an increase in depth-averaged flow velocities, which in turn increases the potential for sediment transport. Calculations show that for a representative sediment size there is only a marginal increase in the critical bed velocity required to initiate bed load sediment transport.
- 5.4.9 Eddy formation due to the new screens and intake structure are likely to be localised, impacting on the river bed and not the river bank. Any scour induced as a result of these eddies is confined to the river bed at the structure and not further downstream. As both banks are heavily vegetated this will slow down the flow velocity, leaving the highest flows in the centre of the river.
- 5.4.10 The applicant also requires a Flood Risk Activity Permit (FRAP) from NRW for works in, over, under or near the River Usk. NRW previously requested details from the applicant to demonstrate that the construction phase would not impact on river flows, cause bank erosion or introduce new flood flow routes. The applicant has provided some details regarding these points. NRW will be requiring the rest of the information regarding construction from the applicant as part of their FRAP submission. This will include information on the reinstatement of the existing intake area; confirmation that the existing bank crest remains at the same level; and information in relation to the proposed cofferdams or other temporary works required for construction. These details have not been provided within the planning application, but NRW advise that the FRAP will cover these elements of the proposal. The FRAP will also regulate any potential erosion issues resulting from the proposal. The FRAP can require an assessment of erosion and dependent on that outcome, NRW can secure future monitoring of this area to ensure any future erosion is remedied in a proactive manner.

## 5.5 Access and Highway Safety

- 5.5.1 A Construction Traffic Management Plan (CTMP) has been prepared in support of this application, the scope of which has been agreed with MCC at the earlier EIA Scoping stage. The purpose of the CTMP is to outline the management of vehicle movements and the interaction with the surrounding road network during the construction process.
- 5.5.2 The CTMP states that during the construction phase of development an alternative access will be provided into the temporary construction compound to the south of the proposed RWPS in order to minimise the use of Prioress Mill Lane. Prioress Mill Lane is a no through road which provides direct access to the application site and a collection of existing residential dwellings and farm buildings. The lane in its existing

form is very narrow and unsuitable to accommodate the construction traffic associated with the proposed development. It is therefore proposed to create a temporary construction access directly off the A472. Temporary access to the construction compound from the public highway would initially be off Prioress Mill Lane (close to the junction with the A472) and subsequently from an access point directly off the A472 approximately 50m west of the junction with Prioress Mill Lane. This access would continue to be used for the remainder of the construction programme. During the construction period, the existing RWPS site is to remain operational and vehicles associated with its operation will continue to access the site via Prioress Mill Lane.

- 5.5.3 Once the upgraded Prioress Mill RWPS is operational, traffic generation patterns would revert to that of the existing site, as there would be no increase in staff based at the site or the number of vehicles travelling to the site once construction is complete.
- 5.5.4 The proposed development was the subject of a preliminary application meeting where the principle of access was discussed. The Highway Authority was in agreement with the proposed temporary access onto the A472 at the proposed location, referred to as Access Option 1 on drawing '2873-W-201-HYD-XX-XX-DR-XX-05200'. This was considered to be the optimum position for access to the proposed compound within the field between the pumping station and A472. From this point visibility onto the A472 is maximised in both directions. The proposed access is located within an existing 40mph speed limit and therefore the stopping sight distances shown on the plans submitted with the application - 160m southeast and 212m northwest, satisfy the requirements as set out in the visibility standards contained within Technical Advice Note 18 (TAN18).
- 5.5.5 The construction of the temporary access (Access Option 1), described above is proposed to be delayed due to the presence of Dormice within the existing hedgerow. Due to this and to prevent any delays to the development programme it is proposed to utilise an existing field gate which is located at the south corner of the field, shown as Access Option 2 on drawing '2873-W-201-HYD-XX-XX-DR-XX-05200'. The existing field access is positioned at an acute angle and joins directly onto the junction of Prioress Mill Lane onto the A472. According to the details contained within the Construction Traffic Management Plan it is proposed to utilise the existing access for approximately 2-4 months before Access Option 1 can be implemented due to the ecological restrictions.
- 5.5.6 Access to the construction site would be controlled and manned by a gates man at the site entrance, who would also manage the passage of vehicles within the site. The gates man would be responsible for controlling all traffic accessing and exiting, to ensure vehicles enter and exit the site in a safe and efficient manner. They would also be responsible for co-ordinating delivery vehicles. Further details are included in a Construction Traffic Management Plan (CTMP) that identifies the proposed construction traffic generated by the proposed development together with a range of mitigation measures that would be implemented to minimise the impacts of the construction phase on the local community and highway safety. This was amended following meetings with the Council's Highway Officer who now supports the application subject to a condition requiring compliance with the CTMP. This has been added at the end of the report.

## 5.6 Residential Amenity

- 5.6.1 The main impact of the development in terms of residential amenity will be that of the pump house upon the group of houses on Prioress Mill Lane. The building will be visible from some of these properties due to its height although measures to reduce

this impact with landscaping and materials are outlined above. Given the distance between the proposed pump house and the neighbouring dwellings it is not considered that the building will appear overbearing or unacceptably reduce natural daylight from any properties or their gardens.

5.6.2 The issue of noise disturbance is considered below.

## 5.7 Noise

5.7.1 Noise pollution has been considered within the accompanying Noise Impact Assessment. This had to be amended at the request of the Council's Environmental Health Officer as it was considered that the background noise level used as a base for the report was incorrect in that it included the noise of the existing pumps in operation rather than the natural background noise levels.

5.7.2 The most recent BS 4142 assessment of impact during night hours using background levels with the existing facility not operational, is presented in Table 4 of the 4th July report. This assessment provides:

- Background levels of 33 – 35dB at the nearest dwellings, supported by later data presented in the 21st July report of night levels of 33/ 34dB with the current pumping station '*not operational in any capacity*'.
- Predicted noise levels of the proposed facility ranging from 27dB at residential receptor AL1, to 36dB at receptor AL2.
- Results of '*an indication of the specific sound source having a low impact*'.

5.7.3 On careful consideration of this assessment the Council's Environmental Health Officer advises that there is the potential for the typical background noise climate at night in the area of the nearby dwellings to be slightly lower than the 33 – 35dB used. It is notable that the raw data provided in Appendix 1 supporting the 14th July report does not show a drop below 32 dB LA90 for any 5 minute period during the 6 nights monitored. This suggests a constant influencing noise source at the monitoring location that may not be such a factor in the curtilage of the dwellings.

5.7.4 Environmental Health consider that a Rating Level penalty should be applied in the noise assessment. For example it is anticipated that the 8 external extraction fans located on the southern façade and pointed in the general direction of the dwellings will be readily distinctive against the residual acoustic environment at times, enabling a penalty of at least 3dB to be applied. On this basis the EHO suggests that there is certainly the potential for a difference of around +5 dB in a BS4142 assessment which is referenced as '*likely to be an indication of an adverse impact, depending on the context*'. It should be noted BS 4142 provides that '*a difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context*'.

5.7.5 With regard to the context, the predicted noise level of typically 34 – 36dB is significantly lower than existing levels influenced by the existing facility presented by the applicant in the January and 11th April reports. These levels range from 43 – 47dB for daytime and 42 – 45dB for night periods.

5.7.6 Therefore on this basis it is not considered that there are planning grounds on which to sustain an objection to this application based on adverse noise effects as the development will potentially significantly improve the noise climate compared to the existing situation - particularly when the facility is working in its 'summer operational mode' when the levels are predicted to be lower than those presented in the above referenced assessment.

## 5.8 Heritage

- 5.8.1 An archaeological desk-based assessment has been submitted as part of the application which identified the archaeological resource of the application area and the potential effects of the proposed development. It notes that Mesolithic flints have been recovered to the south and east of the site, a Roman road and possible associated features to the east, and the medieval leat of the earlier, medieval Prioress Mill to the east and south of the proposal. The assessment concludes that an intrusive archaeological field evaluation should be conducted. However, as the document indicates, there are no known heritage assets within the development area with the Roman road located 335m away and the possibly associated features are located 850m and 900m away. Similarly the medieval leat is recorded on historic mapping and is not located in the application area. Whilst the proposal will require ground intrusion works, it is not considered likely that archaeological remains will be encountered. As a result there is unlikely to be an archaeological restraint to this proposed development and GGAT have raised no objection.
- 5.8.2 The accompanying Historic Environment Desk Based Assessment notes that the Grade II Listed Prioress Mill is located 21metres to the east of the application site, acknowledging that due to limited intervening vegetation there is intervisibility between the application site, Prioress Mill and Cottage. However, the Assessment concludes, based on the scheme proposals that, *'the mill and cottage will be screened from the assessment site by the native woodland plantation, once it is established, consequently there will be limited intervisibility. Although the current design means that the site will be 3.5m taller than the existing structure it will be set further back to the west, this along with the increase in intervening vegetation between the assessment site and the mill and cottage means that there are no anticipated negative effects associated with the current proposals.'*
- 5.8.3 It is agreed that distance between the main pumphouse building and the listed building, together with planting will minimise the impact on its setting. Furthermore, the addition of timber cladding to the upper elevation of the pumphouse will give the impression of an agricultural building rather than a plant and machinery building which is more in keeping with the Mill character of the listed building.

## 5.9 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.

## 5.10 Response to Community Council Objections

- 5.10.1 Some of the objections by the Community Council have been addressed over the course of the application process. Landscaping and tree screening have now been detailed as requested and external materials changed to help reduce the impact of the height of the building. An amended noise assessment has been submitted and its conclusions agreed by the Council's Environmental Health Officer. NRW are also now satisfied that the proposal is acceptable in terms of flooding.

5.10.2 The temporary diversion of the Right of Way passing through the site will be dealt with under the relevant legislation but the Council's Rights of Way Officer has not raised an objection to the proposal.

5.10.3 Working hours for construction are not normally included in a Construction Method Statement as this is an Environmental Health matter.

5.10.4. The requirements of the Well Being of Future Generations Act 2015 have been considered in Paragraph 5.9.

## 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 the commencement of the development hereby approved a notice shall be given to the local planning authority. (a) stating the date on which the development is to begin; (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
4	The development hereby approved shall be constructed in accordance with Construction Traffic Management Plan 2873-W-201-HYD-XX-XX-RP-NX-10071 dated May 2017.
5	No building works shall commence until details and samples of the cladding material to be used on all external walls and roofs have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details. REASON: In the interest of visual amenity and the character and appearance of the area; and in accordance with LDP policies LC5 and DES1.
6	Notwithstanding the approved drawings, no building works shall commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority. <ul style="list-style-type: none"> <li>• Full details of all external steps, railings and metal works associated with the building.</li> </ul> Development shall be carried out in accordance with the approved details. REASON: In the interest of visual amenity and the character and appearance of the area; and in accordance with LDP policies LC5 and DES1
7	A Green Infrastructure Management Plan shall be submitted prior to building works commencing. The Management Plan shall include the following. a) Description and evaluation of Green Infrastructure assets to be managed, to include those identified on the green infrastructure concept drawing and landscape plan, to include: <ul style="list-style-type: none"> <li>• Surface water management including. SuDS</li> <li>• Landscape planting (existing &amp; proposed)</li> <li>• Public footpath and key pedestrian routes</li> </ul>

	<ul style="list-style-type: none"> <li>• Habitat corridors</li> </ul> <p>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.</p> <p>Development shall be carried out in accordance with the approved details.  REASON: To maintain and enhance Green Infrastructure Assets in accordance with POLICY DES1, S13, GI1, NE1, EP1 and SD4.</p>
8	<p>The noise mitigation measures outlined in the application documents shall be fully complied with and compliance shall be certified in writing to the planning authority by an appropriately qualified acoustic consultant not later than 3 months from the use of the facility commencing. This is to include confirmation that under typical facility operating conditions as detailed in Report reference 2873-W-201-HYD-09-XX-RC-MX-10114 dated 17th August 2017, the highest predicted external noise level of 36dB LAeq provided in Table 2, Report reference 2873-W-201-HYD-09-XX-RP-NM-10112 dated 17th August 2017, is not exceeded at any of the residential assessment locations. Measurement procedure, location, reference time period etc shall have regard to guidance provided in BS 4142:2014 'Methods for rating and assessing industrial and commercial sound'.</p>
9	<p>Prior to the building works commencing, including demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures, including proposed working hours that will be implemented to minimise the impact of noise, dust and light pollution at the nearby dwellings.</p>
10	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.</p>
11	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within 12 months of the new RWPS becoming operational, or within the first planting and seeding season following the completion of the development (whichever is sooner). 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.</p>
12	<p>Within one month of the completion of the development hereby approved, the temporary access shall be removed and the public highway returned to its original condition in accordance with a scheme to be agreed with the Local Planning Authority prior to the reinstatement taking place.</p>
13	<p>The development shall be carried out in strict accordance with the submitted Otter Development Licence Method Statement prepared by Arcadis dated August 2017.</p>



	Reason: To safeguard individuals and the resting place / breeding site of a European Protected Species and the Interest Feature of the River Usk SAC in accordance with the Conservation of Habitats and Species Regulations 2010.
14	The development shall be carried out in strict accordance with the submitted Dormouse Development Licence Method Statement prepared by Arcadis dated August 2017. Reason: To safeguard individuals and the resting place / breeding site of a European Protected Species in accordance with the Conservation of Habitats and Species Regulations 2010
15	Prior to the commencement of works (with the exclusion of vegetation clearance and site compound set up), a final version of the Project Environmental Management Plan shall be submitted to the Local Planning Authority for approval. The PEMP shall build upon the principles and methods in the submitted Skanska Project Environmental Management Plan dated August 2017. The Final PEMP shall thereafter be implemented in full. Reason: To safeguard the Protected Sites in accordance with the conclusions of the Habitats Regulations Assessment and Species of Conservation Concern.
16	Lighting during the construction phase shall be implemented as shown on the Temporary Lighting Plan 2873-W-201-HYD-09-XX-DR-NX-08019. No other lighting will be permitted. Reason: To safeguard the Protected Sites in accordance with the conclusions of the Habitats Regulations Assessment and Species of Conservation Concern.
17	Permanent site lighting shall be implemented in accordance with the Permanent Lighting Plan 2873-W-201-HYD-09-XX-DR-NX-08018. No other lighting shall be permitted. Reason: To safeguard the Protected Sites in accordance with the conclusions of the Habitats Regulations Assessment and Species of Conservation Concern.
18	No removal of hedgerows, trees or shrubs brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

Informatives:

It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

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.

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 Otter or Dormouse. Please note that the granting of planning permission does not negate the need to obtain a licence.

Lighting scheme – shall be consistent with the requirements of protected species and the protected site (otter, dormouse & bats). The scheme shall include details of the siting and type of lighting to be used and of light as replacement dormouse habitat are not illuminated and are maintained as dark corridors.

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.

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.

OTTER - Please note that otters 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 otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.

**DC/2017/00122**

**PROPOSED CONVERSION OF REDUNDANT BARN TO SINGLE DWELLING**

**DYFFRYN FARM, LLWYNA LANE, PEN-Y-CAE-MAWR, USK, NP15 1LR**

**RECOMMENDATION: APPROVE**

Case Officer: Andrew Jones  
Date Registered: 22.02.2017

**1.0 APPLICATION DETAILS**

1.1 This application was previously presented to Planning Committee on 1<sup>st</sup> August 2017 with an officer recommendation for refusal (see previous report below). However, Members voted to approve the application on the basis that they considered the building of adequate size to provide suitable living space for a permanent dwelling. The application is therefore re-presented to Planning Committee with the following conditions for their considerations:

**RECOMMENDATION: APPROVE subject to Section 106 Agreement, with Heads of Terms below:**

- Financial contribution of £27,469 towards affordable housing in the local planning authority area.

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.
	<b><u>Pre-commencement conditions</u></b>
3.	The hereby permitted works shall not in any circumstances commence until the local planning authority has been provided with a copy of the final Method Statement detailing bat mitigation. The Method Statement shall be implemented in full and any subsequent amendments provided to the Local Planning Authority for record and enforcement purposes. Reason: To safeguard individuals and the resting place of a European Protected Species in accordance with the Conservation of Habitats and Species Regulations 2010.
	<b><u>Compliance conditions</u></b>
4.	Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached to or be positioned in the curtilage so as to illuminate the south west elevations of the building. Reason: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

5.	Works shall be carried out in accordance with the submitted report “Duffryn Barn, Llantrisant – Bat Method Statement & Mitigation Addendum” dated March 2017 produced by Acer Ecology Reason: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).
6.	No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building(s) for active birds’ nests immediately before the work commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. Reason: to ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981) as amended.
7.	Notwithstanding the provisions of Article 3, schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed. Reason: If substantial extensions or alterations were necessary this development would not normally be favourably considered.
8.	No part of any wall of the existing building other than shown on the approved plans is to be demolished. Reason: This conversion is granted having regard to the Council’s policies which relate to the conversion of redundant buildings in the countryside and the information supplied with the application. If substantial demolition and rebuilding are necessary the development may be beyond that which has been permitted.
9.	Notwithstanding the provisions of Article 3, schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority. Reason: In the interests of visual amenity and to safeguard the appearance of the area.

## PREVIOUS REPORT

### 1.0 APPLICATION DETAILS

- 1.1 This application relates to a redundant agricultural building that is accessed off Llwynau Lane to the west of Pen-y-cae-mawr.
- 1.2 Planning permission is sought to convert the barn to provide a single dwelling. To facilitate the conversion a single storey extension would be erected to the rear of the dwelling. The extension, which would be of pitched roofed form, has been reduced in size and would now measure 4.3m in width and 3.4m in length. The extension would be clad with waney edge timber and other external materials include natural roof slate, repointed stonework, timber joinery and cast aluminium rainwater goods. The building

is served by an existing point of access and would provide two parking spaces to the rear. A portion of the steel Dutch barn on site will be retained for use as a domestic store.

- 1.3 The application is presented to Planning Committee at the request of the Local Member Councillor Peter Clarke.

## **2.0 RELEVANT PLANNING HISTORY**

None.

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Planning Policies

S4 – Affordable Housing Provision  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S16 - Transport  
S17 – Place Making and Design

### Development Management Policies

H4 - Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use  
DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
MV1 – Proposed Developments and Highway Considerations  
NE1 – Nature Conservation and Development

## **4.0 REPRESENTATIONS**

### 4.1 Consultation Replies

Llantrisant Fawr Community Council – Have no objection.

MCC Highways – Has no objection. I am concerned that the highway network in the vicinity of the proposal will be harmed detrimentally with the increased daily use and with the construction traffic that would be associated with the renovation of the building. Should you be minded to approve the application, I would not wish this application to set a precedent for any future proposals to convert to residential all further barns at this location.

The applicant may be required to enter into a Section 59 agreement under the highways Act 1980 whereby admitting liability to any damage to the roads by extraordinary traffic likely to be generated by this operation.

Prior to the commencement of any construction work, provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a turning area. All materials must be loaded and unloaded for storage off the highway.

MCC Planning Policy – Strategic Policy S1 applies, the site is located in the open countryside where planning permission will only be allowed for; acceptable conversion of rural buildings, in the circumstances set out in Policy H4, sub-divisions of existing dwellings (subject to detailed planning criteria) or dwellings necessary for agriculture, forestry or other appropriate rural enterprises, in accordance with TAN6.

As the proposal relates to a redundant agricultural building Policy H4 should be considered. Policy H4 contains a number of detailed criteria relating to the conversion/rehabilitation of buildings in the open countryside for a residential use that must be considered in full. The existing building appears to be of limited size and would appear to not be suitable for a permanent residential use as it currently stands. Criterion (f) should be referred to which states the building must be capable of providing adequate living space and ancillary space such as garaging within the structure. In addition to this, criterion (f) adds that only very modest extensions will be allowed, it would have to be considered whether the proposed extension is modest in size, most notably as it will result in the increase of floorspace by approximately one third. Criterion (a) relating to the form, bulk and general design of the proposal and (d) relating to design requirements must also be considered. The Conversion of Agricultural Buildings Design Guide (April 2015) should also be referred to.

Criterion (g) relates to the conversion of buildings well suited for a business use, the H4 criterion (g) Assessment of Re-use for Business Purposes Supplementary Planning Guidance (April 2015) should also be referred to. It is noted in the planning statement that informal advice has been sought from estate agents which noted the project would be economically unviable for speculative commercial development and unsuitable for modern commercial ventures.

Finally, Strategic Policy S17 is of relevance relating to Place Making and Design along with Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively.

MCC Biodiversity Officer - A bat scoping assessment found moderate potential for bats within the stone barn proposed for conversion and negligible potential in the steel barn that will be removed to facilitate development. The site is located in a high quality landscape area for foraging and commuting; this was further demonstrated by the bat activity levels and number of species observed in the activity surveys.

The building is a confirmed roost for at least one soprano pipistrelle bat, but it is noted that there are multiple roosting opportunities for bats on the south west gable end. The original survey suggested that the works could be undertaken without licence, following discussion with myself and NRW the ecologist has modified the proposals to ensure works are completed under licence and made adjustments to the mitigation measures, this is demonstrated in the March 2017 report.

Considering the works proposed the roost will be lost and as such the development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. Please see our internal guidance note on consideration of the 'Three Tests' for licencing and report template. The LPA need to consider tests i and ii; test iii has been considered by NRW – see below.

Under new guidance from Natural Resources Wales, this proposal has been identified as a lower risk case and as such test iii is considered to be met.

It is further noted that the proposals will result in the loss of a barn swallow nest, the recommendation of the report to provide compensation for this loss in the form of an artificial swallow nest is welcomed and in line with LDP policy NE1 and our duties under the Environment (Wales) Act 2016.

I am satisfied that if the bat method statement and mitigation addendum are implemented, then there should be no negative impacts on biodiversity as a result of the proposed development. If you are minded to grant planning permission for this development then suitable planning conditions are advised below.

Natural Resources Wales (NRW) - We recommend you should only grant planning permission if you attach the following condition. This condition would address the significant concerns we have identified and we would not object provided you attach them to the planning permission.

The submitted bat survey report, prepared by Acer Ecology, dated October 2016, identifies soprano pipistrelle bats are roosting in wall crevices within the building to be converted.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or 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; and,
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

The bat report identifies soprano pipistrelle bats were using two separate crevices in the south-western wall. Despite confirmation the building contains bat roosts, the bat report concludes a European Protected Species licence is not necessary in this instance, and the works can be carried out under a detailed method statement instead. The bat report further identifies the building contains numerous other crevices suitable for bat use. It is concluded these other crevices are not being used by bats, however there is no evidence within the report to support this. The bat report additionally identifies hibernation potential within the crevices.

Therefore, on the basis of the information provided, we are of the opinion the proposed development is likely to give rise to the need for a licence application. However, we do not consider the development is likely to be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status in its natural range, provided the requirement for a European Protected Species licence is secured by way of planning conditions on any permission your Authority is minded to grant, and appropriate measures are implemented through the licence.

Condition

Inclusion of a planning condition on any planning permission that prevents the commencement of any development on site that could affect structures which may contain bat roosts until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified development to go ahead.

Advice to Applicant

We will wish to discuss a number of aspects of the mitigation proposals in more detail during the European Protected Species licence application stage, including the following matters:

- The submitted mitigation proposals include leaving the 1m x 1m square of wall containing the two known roost crevices un-pointed. It is unclear if this solution would accord with Building Regulations;
- A firm timetable of works will be required to ensure the chances of entombing/ disturbing bats is minimised;
- Clarification of pre-works inspection measures will be needed (a torch check is mentioned in section 6.2.7 of the report, but sections 6.2.4 and 6.2.9 stipulate an endoscope inspection). We will need suitable (external/ internal) crevice inspection / pre-works activity survey / bat exclusion measures put forward before an EPS licence can be granted.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

MCC Senior Strategy & Policy Officer - 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. The financial contribution that will be required is £27,469.

#### 4.2 Neighbour Notification

No responses have been received following the consultation exercise.

#### 4.3 Local Member Representations

County Councillor Peter Clarke – if the recommendation is for refusal requests the application is presented to Planning Committee.

### 5.0 EVALUATION

#### 5.1 Principle of the proposed development

##### 5.1.1 Local Development Plan

5.1.2 Policy H4 *Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use* of the Local Development Plan (LDP) contains a number of detailed criteria relating to the conversion/rehabilitation of buildings in the open countryside for a residential use that must be considered in full.

**a) The form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;**

5.1.3 The barn is of traditional form and retains its original character, it is of small scale with stable doors to the front and rear, with two window openings also to the front façade. The single storey extension proposed is of a simple pitched roof form, however its size in proportion to the modest scale of the host building represents a sizeable addition in floor area. This point is addressed further in Section 5.1.8.

**b) The proposal, including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings;**



5.1.4 No new outbuildings are proposed as part of the application, instead a portion of an existing Dutch barn would be employed to provide additional storage. The access point is existing and the extent of curtilage proposed would not be intrusive to the rural landscape.

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

5.1.5 An Inspection has been undertaken which concludes that the structure is in fair condition and solid walls are plumb. Walls will require deep raking and repointing in lime mortar. Some stitching is required to the northern corner. There is a small area of masonry loss at eaves level above the crack, which will require a small area of reconstruction. The roof structure appears to be in sound condition however this will be further reviewed upon stripping the finishes. New softwood rafters will be installed over to carry the new slate roof finish, felt and battens. A single new opening will be formed in the stone wall offering access to the extension; however this will not affect the stability of the wall.

**d) the more isolated and prominent the building, the more stringent will be the design requirements with regard to new door and window openings, extensions, means of access, service provision and garden curtilage, especially if located within the Wye Valley AONB;**

5.1.6 The structure is a typical traditional stone walled agricultural farm building. New openings are limited, both to the rear. One internal opening is proposed to create access into the proposed extension, and another to the proposed lounge area.

**e) Buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and / or incongruous appearance will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit;**

5.1.7 As noted previously within this report the building is of traditional character and clearly has been used for its original purpose for a significant period of time.

**f) The building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn;**

5.1.8 The biggest area of concern with the proposal relates to the size of the building as it stands in situ. Externally the building measures approximately only 54 square metres, however this does not take account of the stone walls and the internal usable space. Without extension it is unlikely the building could provide a single bedroom, which is proposed to be located within the new extension. The extension proposed (measuring 4.3m x 3.4) whilst taken in isolation could be considered modest, but is a sizeable addition when read in the context of the very small parent building. This criterion seeks to protect the character of buildings by ensuring the original building is not eroded by later additions. The concern in this instance is that the building provides such little internal storage that it would in time require further harmful additions to create a practical living space. It is therefore considered that the proposal fails to meet criterion (f) of the Policy H4 as it does not provide adequate living space.

- g) The conversion of buildings that are well suited for business use will not be permitted unless the applicant has made every reasonable attempt to secure suitable business use and the application is supported by a statement of the efforts that have been made.**

5.1.9 Supporting information submitted sets out that local Estate Agents have confirmed that the project is economically unviable for speculative commercial development. The structure is unsuitable for modern commercial ventures and requires significant investment for conversion to commercial use where the developer is unlikely to see a return for the foreseeable future.

#### 5.1.10 Supplementary Planning Guidance

5.1.11 Supplementary Planning Guidance (SPG) in respect of Policy H4 titled *Conversion of Agricultural Buildings Design Guide* was adopted in April 2015. Section 7.0 of the SPG reaffirms the policy position in respect of the concerns over the size of the original building to be converted. It sets out the following:

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

5.1.12 Therefore given the size of the existing building it is considered that even with the extension it would fail to provide adequate living space for practical day to day living. The building would be better suited to a holiday use, under Policy T2 of the LDP. Criterion (c) of this Policy would permit buildings of this size for tourist accommodation. The demands for space and storage are quite distinct from those required for someone's day to day main residence.

#### 5.2 Visual Amenity

5.2.1 The site does not fall within a designated landscape area and sits within a dense group of buildings including working agricultural buildings and the farmhouse. There is significant mature vegetation immediately to the rear of the building as well as to the south east. Therefore the building is not visually prominent within the rural landscape, with only limited localised views from a public right of way to the north west. However, despite this is not considered that the discreet nature of the site fundamentally outweighs the building's inability to satisfy criterion (f) of Policy H4.

#### 5.3 Residential Amenity

5.3.1 The closest neighbouring property, Dyffryn Farm to north-west and Glan-y-Nant to the south, are sited sufficient distances from the barn so that if converted it would not prejudice the amenity or privacy interests of those properties.

#### 5.4 Highway Safety

5.4.1 No objections have been received from the Council's Highway Engineer, although concerns have been raised that the highway network in the vicinity of the proposal will be harmed detrimentally with the increased daily use and with the construction traffic that would be associated with the renovation of the building. Each case is considered

on its own merits and the construction traffic associated with this development may not be comparable with other applications along Llwyna Lane. Any damage caused to the lane during construction would need to be addressed between the applicant and Highway Authority directly.

5.4.2 The proposed development provides two parking spaces to serve one bedroom, which exceeds the requirements set out in the relevant SPG. The site also provides sufficient space to allow vehicles to turn and leave the site in a forward gear.

#### 5.5.1 Biodiversity

5.5.2 A bat scoping assessment found moderate potential for bats within the stone barn proposed for conversion and negligible potential in the steel barn that will be removed to facilitate development. The site is located in a high quality landscape area for foraging and commuting. This was further demonstrated by the bat activity levels and number of species observed in the activity surveys. The building is a confirmed roost for at least one soprano pipistrelle bat, but it is noted that there are multiple roosting opportunities for bats on the south-west gable end. The original survey suggested that the works could be undertaken without licence. Following discussion with MCC's Ecologist and NRW the ecologist has modified the proposals to ensure works are completed under licence and made adjustments to the mitigation measures. This is demonstrated in the March 2017 report. Considering the works proposed, the roost will be lost and as such the development will need to be subject to a licence from NRW before work can commence at the site.

#### 5.5.3 European Protected Species – Three Tests

5.5.4 In consideration of this application, a European Protected Species (in this case bats) will be affected by the development and it has been established that a derogation licence from NRW will be required to implement the consent. 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 NRW and the 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.

Development Management Comment: Should the building be left it could fall into a further state of disrepair and therefore harm public health and safety. By bringing the building back into use it could have social and economic benefits to the locality. However, in this instance it must be noted that owing to the size of the building the re-use for tourism use would be acceptable rather than residential.

(ii) There is no satisfactory alternative

Development Management Comment: The proposal is for the conversion of an existing building, which in planning terms is acceptable in principle whereas a new building would not be. However, in this instance the building is not considered to be of sufficient size to be converted to permanent residential use.

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

Development Management Comment: Under new guidance from NRW, this proposal has been identified as a lower risk case and as such test iii) is considered to be met.

5.5.5 Should the application have been recommended for approval then planning conditions would have been required including the requirement for a Method Statement and removal of normal permitted development rights in respect of lighting.

## 5.6 Affordable Housing

5.6.1 Strategic Policy S4 *Affordable Housing* of the LDP sets out that developments below the thresholds detailed within the Policy will be required to make a financial contribution towards the provision of affordable housing in the local planning authority area. SPG in respect of this Policy was adopted in March 2016. Section 2.1 of the SPG recognises that *a significant issue for Monmouthshire is the fact that house prices are high in relation to earnings so that there is a need for additional affordable housing in the County in both urban and rural areas, particularly for those that live and work here.* Further detail in respect of the need for Affordable Housing is set out in full in Section 3 of the SPG. A sum of £27,469 has been requested by the Council's Housing Officer for this proposal. In this instance the proposal would be for a self-build, however had the application been recommended for approval then a Section 106 Agreement would have been entered into. Providing the building would have been occupied for 3 years then the requested sum would not have been payable. An informative is to be attached advising that in the event of an Appeal the requested sum could be achieved by the submission of a Unilateral Undertaking.

## 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: REFUSE**

### Reason(s):

1. The barn is considered to be of inadequate size to provide suitable living space for a permanent dwelling within the structure. It is therefore considered to be contrary to Policy H4 (f) of the Monmouthshire Local Development Plan.

### Informative(s)

In the event of the decision being subject to an Appeal to the Planning Inspectorate, should the Inspector be minded to allow the Appeal the affordable housing contribution of £27,469 required under Policy S4 of the Monmouthshire Local Development Plan could be secured through a Unilateral Undertaking.

**DC/2017/00539**

**OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF UP TO 70 DWELLINGS, OPEN SPACE, PLAY SPACE PROVISION, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE**

**LAND WEST OF ROCKFIELD ROAD, ROCKFIELD ROAD, MONMOUTH NP25 5DS**

**RECOMMENDATION: APPROVE**

Case Officer: Jo Draper  
Date Registered: 23<sup>rd</sup> May 2017

**1.0 APPLICATION DETAILS**

1.1 The application site measures approximately 2.86 hectares situated on the north western edge of the main town of Monmouth. The site is an undeveloped, greenfield site with established hedgerow/tree belts running around the perimeter of the site.

1.2 This application is in outline with all matters reserved for subsequent approval with the exception of access which proposes a priority junction at a central location into the site from Rockfield Road. In addition to a plan showing the proposed access into the site from Rockfield Road, the application was accompanied by various documents and reports including a layout plan for up to 70 dwellings which also indicated internal access roads, areas of open space and landscaping and a surface water attenuation pond.

1.3 The appeal site lies adjacent to, but outside, the Town Development Boundary for Monmouth and is therefore classed as open countryside for planning policy purposes.

1.4 The site's southern boundary runs adjacent to the curtilage of residential properties situated on Hamilton Way, Levitsfield Close and Trafalgar Close, which form the northern extent of the Rockfield Estate. The western boundary is the public footpath. The field to the west of the public footpath forms the remainder of the land included in the wider site controlled by the applicants, HLM. It makes up the difference in site area between the subject application and the July 2016 scheme. The western field runs adjacent to the Charles Church development at Parc Glyndwr, which extends the northern extent of the Rockfield Road estate in this location. Both residential areas form the foreground and backdrop in which the site will be viewed from surrounding viewpoints to all orientations. The eastern boundary of the site is formed by Rockfield Road (B4233) with Ancre Hill Vineyard beyond this to the east. The northern boundary comprises a mature hedgerow with fields beyond. A residential property (Newbold's Paddock) adjoins the north eastern corner of the site. To the north and north-east of the site there is open countryside with individual farms and associated agricultural land characterising this area. (To the north, north-west and west of the site, outline planning permission exists for the construction of a hotel, conference centre and leisure facility). Finally, the site is bounded to the east by the B4233 Rockfield Road.

1.5 Along the eastern boundary of the site, between the hedgerow and Rockfield Road, is a drainage ditch which runs underground at the point of the roundabout leading into the Rockfield Estate. A fenced public footpath runs (in a north-south direction) across the western boundary of the site. The footpath connects with an existing public footpath route (footpath ref. 127) within the Rockfield Estate, between Trafalgar Close and Levitsfield Close. A vehicular access point from Rockfield Road and leading into the field is situated within the north eastern corner of the site, immediately to the south of Newbold's Paddock.

1.6 Currently to the east of the site, the road is subject to a 30mph speed restriction. However, from the eastern boundary of the application site westbound, the national speed limit (60mph) applies. The closest bus-stop to the site is at the junction of Rockfield Road and Rolls Avenue, which is approximately 500m from the proposed access to the site from Rockfield Road. However, the local service (W5) is a 'hail and ride' service that residents can access with an hourly service from 08:30 until 17:00 Monday to Saturday.

1.7 This site was subject to a previous planning appeal for 147 dwellings. That appeal was dismissed in January 2014. The Inspector concluded in the Appeal that *"although the appeal proposal would extend the built development further along Rockfield Road, I consider that with the retention of the public footpath, appropriate landscaping to supplement the existing boundary hedges and the sensitive siting of the dwellings along the road frontage, the development could be designed to ensure that it could be sensitively integrated into its surroundings. On this basis, I consider the development would not have a serious harmful effect on the SLA and would accord with Policy C3 of the UDP."* The Appeal was refused for the following reason: *"In view of the imminent publication of the Inspector's report which will address the issue of housing land supply in the wider context, I consider that the refusal of the appeal on grounds of prematurity is justified"*.

1.8 The current application proposal is a direct response to the ongoing negotiations with the Council and Welsh Water (WW) in relation to the July 2016 application (DC/2017/00870 for 130 dwellings). WW have confirmed there is readily available foul drainage capacity to support the development of up to 70 dwellings on the HLM land as a whole. The applicants have stated in the supporting information that the scale of the proposal is directly commensurate with the foul drainage capacity identified. Hence this application aims to secure outline planning permission on only part of the wider HLM land for a scale of development directly commensurate with the available foul drainage capacity. It seeks permission to do so in a manner that is consistent with the planned development for up to 130 dwellings on the wider land controlled by the applicant. The parallel application that relates to the larger 130 residential unit site (DC/2016/00870) is still current (i.e. undetermined) as work is being undertaken to identify if there are solutions relating to the foul drainage that enables the remaining intervening parcel to come forward for a further 60 dwellings (the applicant is also continuing to work with WW on the identification of additional foul drainage capacity to service up to 130 dwellings on the wider land in their control. HLM have agreed to instruct the appropriate hydraulic modelling assessment (HMA) required by WW to identify additional foul drainage capacity and a pragmatic solution to the identified constraints).

1.9 The supporting information that has been submitted as part of this application states that the proposal seeks to achieve the following Design Principles that have been identified in brief below:

- It will ensure an enhancement of the urban realm along the north western entrance to the town through the creation of a softer edge.
- A simple priority junction from Rockfield Road respects the technical solution agreed during the course of the previous application at the site. It is consistent with the character and function of the site and existing road network. Moreover, it minimises the impact on the eastern hedgerow and soft landscape context of the site. This is further enhanced by a 10m buffer between the boundary and any built development.
- This approach is replicated along the northern boundary of the site, ensuring it is defined by a strong green infrastructure corridor in recognition of the landscape character of the site. Concentrating the residential provision into a single development parcel set back from the northern and eastern landscape corridors and easily connected to the footpath along the western boundary responds positively to the landscape features of the site. It delivers integral and highly accessible open space that benefits from excellent natural surveillance.

- The emphasis on the footpath promotes connectivity with existing residential properties in the Rockfield Estate and the countryside to the north. In transport terms, the layout is logical. It responds to the existing features and character of the site, as well as established development nearby. Moreover, it does so in a manner that complements the potential for up to 130 dwellings on the wider HLM controlled land in the future.

- A comprehensive SuDS system using existing watercourses and ditches as features of the site complements this approach. Topographically, the logical location of the main attenuation basin is the south eastern corner of the site. This location ensures a positive relationship with the retained and improved boundary hedgerow in this area of the site.

In addition to this the Council have undertaken further discussions to improve the Green Infrastructure on the site facilitating permeability between this site and the neighbouring sites both north south and west of the site.

The changes that have been secured to this planning application are as follows:

- The inclusion of a community orchard. Community food growing to form part of the open space / play provision. Orchard trees or other non-allotment community food growing opportunities to be incorporated through a linear community orchard between the developable area and the 'Future Development Land'

- Offsite contribution to a central Rockfield Estate community food growing initiative

- Creation of links to improve permeability between existing residential sites and the new site and surrounding open countryside through footpath links; this takes into account the following options :

(i) The path that comes into the site from the south to be a 'multiuser' path; this is to connect to the interior of the site to provide connectivity.

(ii) Access (pedestrian gate) to be provided into the 'Future Development Land' with potential informal connection to Catherine Close (Charles Church site), with a gateway that facilitates informal access on the south western boundary of the site from the public footpath that traverses the site north-south. The boundary that runs along the north east boundary of the Charles Church Site is to be transferred to the ownership and control of the Council; this will enable a gateway to be inserted in this boundary which will facilitate informal access between the application site and the Charles Church site, increasing permeability on an informal basis. It is the intention of the developer if this site is approved that the remaining portion of the land can come forward and these links will be secured as an integral part of the Green Infrastructure proposals to link the surrounding development with the adjacent residential development. This will also tie in with the creation of an access point at the north-west of the site to create a new access point to facilitate future links with Offa's Dyke Footpath which is an important external connection.

(iii) Retain the small LAP provision on the Rockfield West site as an informal seating area to be used alongside/ in conjunction with the community orchard and food growing initiative

(iv) The LEAP has been deleted and replaced with an off-site open space contribution to be used to serve a more strategic central open space serving the whole of the Rockfield Estate.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2008/00576 Outline Residential Development Appeal against non-determination  
Appeal Dismissed January 2014

DC/2016/00870 Outline planning permission for the construction of up to 130 dwellings,  
open space, play space, play space provision, landscaping and associated infrastructure.  
Current

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### Strategic Policies

- S1 – Spatial Distribution of New Housing Provision
- S3 - Strategic Housing Sites
- S4 – Affordable Housing
- S5 – Community and Recreation Facilities
- S12 – Efficient resource Use
- 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
- SD2 – Sustainable Construction and Energy Efficiency
- SD4 – Sustainable Drainage
- LC1 – New Built Development in the Open Countryside
- LC5 – Protection and Enhancement of Landscape Character
- GI1 – Green Infrastructure
- NE1 – Nature Conservation and Development
- MV1 – Proposed Developments and Highway Considerations
- MV2 - Highway Considerations and Sustainable Transport
- CRF2 - Outdoor Recreation/Public Open Space/Allotment Standards and Provision

### **4.0 REPRESENTATIONS**

#### 4.1 Consultations Replies

Monmouth Town Council: Refuse

- Excessive pressure on infrastructure and schools
- Sewerage takes only 70 houses
- Over-development of the site
- Too much pressure on road system
- 5 year supply fallen below; Monmouth has met its requirements with Wonastow

Welsh Water: Acknowledge application submitted in response to objection for 130 units, we objected on grounds of capacity to accommodate the proposals within the existing sewerage network and water supply network. All foul flows (DC/2017/00870) were proposed to discharge through the adjacent sewerage network discharging to Monmouth Waste Water Treatment Plant. This requires a hydraulic modelling assessment to establish the impacts of the sewerage network and if required provide suitable solutions to accommodate the development foul flows into the public sewerage network. An alternative sewer catchment for 70 units was identified with no objection to the proposed development subject to relevant conditions being imposed.

Natural Resources Wales: No objection subject to relevant conditions being attached to the planning approval. A condition required to secure a Dormouse Conservation Strategy - to minimise the impact of the development on dormice (Given that the vicinity of the site is known to support dormice, it is highly likely that dormice are using the hedgerows on the development site particularly where good habitat structure is present. Furthermore, it is possible that they may also use the other hedgerows on site, or may be encouraged to do so with the implementation of appropriate, long-term management. Whilst the indicative masterplan



contains the broad principles of hedgerow retention as part of the development, a dormouse conservation strategy is required to set out, amongst other things, how the hedgerows will be protected and managed in the long-term).

The application site lies within Zone A, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk. Zone A is considered to be at little or no risk of fluvial or tidal/coastal flooding. We do not hold relevant flood risk information for this application site.

MCC Planning Policy: It is noted that this application relates to part of a wider site and that due to foul drainage capacity issues only part of the site can be accommodated by the network at this time.

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

With regard to the claimed need for the development, the shortfall in the Housing Land Supply is an issue that has been addressed in the LDP Annual Monitoring Report (AMR) (September 2016). This is available on the Council's website and was formally endorsed for submission to the Welsh Government by Cabinet on 5 October 2016 (subject to call in procedures). The AMR is recommending an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. It also suggests that the adoption of a pragmatic approach to the determination of residential development sites will also assist in this context (as recognised in TAN1, paragraph 6.2). That is, where sites are a departure from the LDP but are otherwise acceptable in planning terms a recommendation for approval may be considered. In this respect any application would need to be assessed against the policies set out above. This site was put forward as an Alternative Site (ASN063) in the LDP process.

Policy S4 relates to Affordable Housing Provision, as the site is located outside the Monmouth Development Boundary it is a departure from the LDP. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. The proposal relates to up to 70 dwellings, the affordable housing requirement for 70 dwellings would therefore be 25 units. The planning statement refers to a contribution of 'up to 35%' in a number of paragraphs. Given that one of the stated justifications for this departure application is the need to provide affordable housing then it is considered to be essential to be satisfied at this stage that the proposal is both deliverable and viable and can achieve an appropriate amount of affordable housing (35%). It is suggested you contact Shirley Wiggam the Senior Strategy and Policy Officer for Housing in relation to the size and mix of the affordable units required.

Finally, the Council is currently progressing the implementation of a Community Infrastructure Levy (CIL). At present the implementation of CIL has been deferred. CIL contributions may be necessary should the application be determined after the adoption of CIL.

MCC Green Infrastructure Team: A £10k contribution is sought for management, habitat creation and landscape planting to complement proposed improvements to the centralised play facility.

The application for the proposal is informed by an ecological assessment:

Hallam Land Management Ltd. Rockfield Road, Monmouth ECOLOGICAL APPRAISAL prepared by FPCR Environment and Design Limited dated July 2016

and an update:

Hallam Land Management Ltd. Rockfield Road, Monmouth ECOLOGICAL APPRAISAL – ADDENDUM prepared by FPCR Environment and Design Limited dated May 2017

The hedgerows at the site are considered to be Priority Habitat (under Section 6 of the Environment (Wales) Act 2016) and must therefore be considered in accordance with LDP policy NE1. An entrance into the site must be created and compensation for this loss must be provided through additional planting including planting to bolster ecological connectivity. This has been indicated in the submission but it is vital to secure this strategic landscaping and ensure that the main areas do not fall within the ownership of individual homeowners.

Lighting design and the retention and enhancement of habitat corridors will be vital for bats and dormouse. NRW make comment in relation to dormouse in their comment dated 15/06/2017 and require a Dormouse Conservation Strategy to be submitted prior to commencement of works. I would extend this requirement to submission of the strategy with the Reserved Matters application, and incorporation into the Green Infrastructure Management Plan. Conditions are recommended accordingly.

MCC Open Space and Leisure: The following provisions are required in relation to this development:

- A contribution from the developer towards the improvement of off-site play provision in Rockfield. In recognition of the on-site provisions included in the submitted layout, we are prepared to reduce our request for an off-site contribution by 50%, i.e. £1,566 per dwelling (which would reduce the overall contribution from this site to £109,620). We would use that contribution to make provision elsewhere in the locality for those groups. With the layout now proposed, there is an excellent footway link to other sites in the locality where this off-site provision could be met, in particular the existing community and main open space provision for the Rockfield estate.
- A 10k contribution is sought for management, habitat creation and landscape planting to complement proposed improvements to the centralised play facility
- On site provision of a LAP (but not equipped) to form part of the informal play provision, so this should be contouring, seating and planting

MCC Highways: Reference is made to the previous application DC/2008/00576 and DC/2016/00870 outline applications with all matters reserved except for means of access. No significant issues arose during the determination of these applications that warranted consideration of a refusal on highway grounds subject to the implementation of various planning conditions and financial contributions secured through a Section 106 agreement. The conditions and contributions are required to implement off site highway mitigation measures and to enhance and encourage sustainable transport provision / walking, cycling and public transport.

The current proposal under consideration only differs in respect of the number of units to be delivered, the reason for the reduced numbers is to comply with Dwr Cymru / Welsh Water's foul sewerage embargo restricting the number of properties until the outcome of the hydraulic modelling exercise has been concluded. Therefore the infrastructure required to deliver 70 units as opposed to 130 units does not differ from that previously submitted. The applicant in support of the application has submitted an updated transport assessment (Document Reference 10410/TA/01 dated 20/07/16) and the transport assessment addendum (document reference 10410/TAA/01 dated 24/03/17)

Having reviewed the transport assessment addendum and revisited the transport assessment I would agree with the outcomes and conclusions of the report in particular the following;

No accident trends exist on the network serving the proposed development that cause concern and would require intervention or mitigation for the slight increase in traffic flow.

The site is reasonably well served by public transport, although some enhancements to the existing Monmouth town bus service will be required.

The site is located within reasonable walking and cycling distances to local amenities, although it is recognised that the site will need to be linked to existing adjacent developments and the immediate footways/footpaths will need enhancing to promote and encourage walking and cycling.

Traffic Impact has been assessed and at certain locations mitigation measures will be required to ensure that the development has zero impact, nil detriment on the existing local highway network. The question is whether the mitigation and local improvement measures are practicable and deliverable, this is not an issue that would allow me to refuse the application, however I would wish to ensure that appropriate conditions or measures are in place to secure future provision

Therefore with reference to the transport assessment and supporting documentation submitted in support of the application and the previous application I would offer no objections to the proposed development on highway grounds, subject to relevant conditions being imposed and heads of terms secured as part of the Section 106 Agreement

MCC Housing: The size of the site has been reduced to around 70 units, therefore, the new mix attached is based on 35% of 70 = 24.5 rounded up to 25 as per our policy.

Mix and number of units required

8	2 person 1 bed flats
10	4 person 2 bed houses
3	5 person 3 bed houses
4	3 person 2 bed bungalows

MCC Education: Reference has been made to the pupil forecasts and based on the information provided we do not envisage that we will need any Education contributions.

Cadw: No objection.

Gwent Glamorgan Archaeological Trust: No objection

An archaeological desk-based assessment compiled by Orion Heritage (Report no. 00216/1, dated June 2016) was submitted in support of application DC/2016/00870. The document was an update of an assessment submitted by CgMs (dated January 2008) with a previous application (DC/2008/00576), which preceded an archaeological evaluation of the site by Headland Archaeology (Report no. RRMW13, dated July 2013).

The 2008 assessment concluded that the proposed development area has a low potential for archaeological remains dating to all periods. The subsequent evaluation consisted of the excavation of nine trenches, none of which encountered any archaeologically significant features, although fragments of iron slag and a single flint flake were recovered. The evaluation also concluded that the site has a low potential for archaeological remains, which was also reiterated in the Inspectors report during an appeal (APP/E6840/A/13/2195263).

Archaeological investigations at Parc Glyndwr and the ongoing excavations at Wonastow Road have encountered important prehistoric remains, including an apparent lake bed and fragments of a Neolithic boat. In the case of Rockfield Road however, the evaluation has indicated that such remains do not extend into the development area.

On the balance of the evidence we did not consider that there was an archaeological restraint to the proposal and recommended that no archaeological conditions be attached to application DC/2016/00870.

Further archaeological desk-based assessment (Orion Heritage report no. QU-00216/2, dated March 2017) has been submitted in support of the current application. It reiterates the previous conclusions, but also details discussions between Orion Heritage and the Monmouth Civic Society (Sections 3.10-3.11). Such discussions acknowledged that the results of the evaluation trenching were correct and there was no evidence of any archaeological remains on site. Nevertheless it states that the watching brief suggested by the Civic Society was acceptable to Orion Heritage and the applicant, Hallam Land Management, and indeed could be secured by an appropriately worded planning condition.

However, it remains the case that as the archaeological advisors to your Members, we have no objections to the positive determination of this application and do not agree that a condition

requiring a watching brief to be carried out is justified in this particularly case. Should the applicant wish to engage a suitably qualified archaeologist to conduct a watching brief during ground intrusion works, we would have no objection, but as noted above, a condition requiring them to do so would be excessively onerous in our opinion.

#### 4.2 Neighbour Notification

To date there has been 10 representations received to date raising the following issues:

- Previous Appeal dismissed in 2014 on the basis that it did not satisfy Local or National policies on housing policies and until the LDP was available the refusal on the grounds of prematurity was justified
- There is little difference between this and the previous appeal
- Proposed development is within 20m of a watercourse with the likely possibility of an increased surface water flooding of the area downstream of the development
- Access to the site is near a particularly notorious bend and a stretch of road outside the 30mph limit
- The site is a departure from the LDP as it is outside the Town Development boundary and in open countryside contrary to the LDP
- The LDP requires 485 new houses to be built for Monmouth town and development plan between now and 2021. Wonastow Road is progressing with phased development up to 450 houses this negates the requirement to develop this land for a further 130 houses
- Site is not sustainable for cycling and walking with links into town, other sites like Wonastow Road meet this requirement
- Welsh Water issues with sewerage and treated water
- Development will put further strain on current services doctors, dentists, schools etc.
- Construction will destroy ambience of the area
- The remaining block of land will form the next phase of development which will have a significant impact upon properties both visibly and financially (devaluation)
- Rockfield Road is becoming a place of traffic congestion, if permitted Rockfield Road would have to be declared an Urban Clearway
- Development of the site for a residential use would be contrary to strategic Policy S1 of the LDP relating to the spatial distribution of new housing provision
- Policy LC1 specifically relating to new build development in the open countryside contains a presumption against new build development whilst also identifying a number of exceptional circumstances where new built development might be permitted. None of these exceptional circumstances apply
- Welsh Water allowing 70 dwellings to be serviced does not provide a green light for this development
- Boyer are attempting to justify the proposal citing as a material consideration 'the critical shortfall in housing land identified within the Country' however the Inspector in dismissing the appeal concluded that the factors about which she was satisfied did not outweigh local policies in respect of the location of housing development and the appeal was refused
- Flood Risk reports are noted previous points still stand 1 in 1000 flood events are not reliable - do not help to determine water flow or planning for surface water flooding events
- It is other areas that have not delivered in terms of housing supply it should not be incumbent on Monmouth to deliver the shortfall when it has been met in this part of the County.
- Monmouth has the infrastructure of a small market town, the infrastructure increase is not commensurate with the development.
- Monmouth has suffered significant development already with 84 homes constructed in Parc Glyndwr, re-development of Monmouth hospital site and Wonastow Road.
- Area is prone to flooding; detention basin proposed to and at a higher level than the neighbouring residential properties.
- Landscape Impact - Special Landscape Area

- Use of valuable agricultural land
- Concern expressed that previous efforts to plant hedgerow on the adjacent residential land were not implemented or enforced, so no re-assurance that any planting proposed in this scheme will happen
- Problem with a back-up of surface water in the stream/ditch to the east of the site leading to further flooding problems in the local area.
- Covering green fields with houses
- Concern raised about location and number of site notices
- There is increasingly worse traffic congestion all along Rockfield Road making this development not viable. The issue isn't with Rockfield Road itself, the problem centres on all the parked cars which mean the road is not wide enough for two vehicles to pass and results in traffic stop/starting all along the road. This happens all through the day. Other than widening the road or banning on-street parking I don't believe this can be solved, and therefore additional traffic from the proposed 130 new properties would only make matters worse.
- The development will tarnish the local scenery. At this rate of development Monmouth will soon lose its charm and draw as a small tourist market town, set in some of the most beautiful scenery in the area, becoming a mass suburban development of residential and industrial properties with no identity.
- The volume of commercial delivery vehicles will also increase as the new population takes understandable advantage of on-line shopping and home-delivery services. The increased risk of accident, which is dismissed in the proposal as negligible, is real: whilst there might not have been many accidents along Rockfield Road in the last six years, there have been numerous and frequent near-misses The addition of a new and busy junction will not reduce that risk, especially since most users of the rat run to Abergavenny accelerate vigorously once past the Owain Glyndwr roundabout.
- The proposal and the traffic department also casually stipulate a requirement to extend and increase the frequency of bus services. Clearly more buses along Rockfield Road will increase congestion, travel times and inconvenience.
- Visual Impact. The proposal discusses the potential for sympathetic screening to minimise the impact of 70 houses in a field where hitherto to view has been traditionally rural, with some agricultural machinery from time to time in accordance with season and animals grazing. They cite the existing homes as justification to destroy that view. They overlook the fact that, at road level, the existing Owain Glyndwr development is hardly visible because of contouring and differences in height. Clearly, the proposal's development will be adjacent to the road and clearly visible regardless of sympathetic treatment
- The proposal is the predictable and mandatory mix of affordable housing and generously proportioned executive homes. It is well acknowledged that the nationwide demand is for affordable housing. However, the majority of housing development projects clearly seek to balance the costs of building smaller affordable houses with the higher profit margins they can extract from the larger executive homes. All recent projects in Monmouth have not achieved the Housing target because of lower than forecast demand. Nothing in the proposal supplies any evidence to show that this level of demand has changed, let alone increased.
- The alternative proposal to develop 'land to the east of Rockfield Road' behind the emerging local shopping development would avoid that increase in traffic volume, place residents much closer to the town with direct green field pedestrian routes to town and redress the hitherto asymmetric approach to growth demonstrated by the developments further west.

## **5.0 EVALUATION**

This application is a Departure from the Local Development Plan and has been advertised as such.

The main issues in the determination of the application are the following:

1. Principle of Residential Development
2. Visual Impact
3. Green Infrastructure and Landscape
4. Highway and Access
5. Neighbour Impact
6. Drainage
7. Publicity

#### 5.1 Principle of Residential Development

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

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

5.1.4 With regard to the claimed need for the development, the shortfall in the Housing Land Supply is an issue that has been addressed in the LDP Annual Monitoring Report (AMR) (September 2016). This is available on the Council's website and was formally endorsed for submission to the Welsh Government by Cabinet on 5 October 2016. The 2016 AMR recommended an early review of the LDP as a result of the need to address the shortfall in the Housing Land Supply and facilitate the identification and allocation of additional housing land. The 2016 Joint Housing Land Availability Study was agreed by the Planning Inspectorate to be 4.1 years' supply for Monmouthshire. The recently released 2017 JHLAS agreed by the Planning Inspectorate shows a reduction to 4.0 years (<http://www.monmouthshire.gov.uk/planning-policy/research-census-and-statistics/council-research>). The Council is required to have a minimum deliverable housing land supply of 5.0 years. Where Councils do not have a 5 year land supply, national planning policy requires Councils to take a pragmatic approach to the determination of residential development sites to address the shortfall (as recognised in TAN1, paragraph 6.2). That is, where sites are a departure from the LDP but are otherwise acceptable in planning terms a recommendation for approval should be considered. In this respect any application would need to be assessed against the policies set out above. This site was put forward as an Alternative Site (ASN063) in the LDP process. It is also noteworthy that when this site was tested at Planning Appeal the inspector dismissed the appeal on grounds of prematurity in relation to the emerging LDP - the principle of a residential development on this site was considered acceptable on all other counts.

5.1.5 It is imperative that if this exception principle is to be applied that the relevant time conditions are imposed ensuring that a subsequent reserved matters application is submitted and the site is delivered physically with the provision of houses that can be included within the 5 year housing land supply.

5.1.6 Issues have been raised by neighbours and Monmouth Town Council that Monmouth has delivered its portion of the LDP housing requirement with the development of the strategic site Wonastow Road. However, this strategic site is currently on course to deliver 340 of the 450 residential unit allocation within this plan period. The remaining 110 houses that were to be accommodated in the Drewen Farm site (making up the 450 residential strategic allocation

for Wonastow Road) is some way off being delivered as there has still to date been no planning application submitted for the development of this site. Also the timescale for the site coming forward is affected by the timetable for infrastructure provision on the Wonastow site which (due to delays in starting etc.,) will not be in place until late 2019/20, meaning the site will not be delivered during the LDP period (which runs to the end of 2021). Notwithstanding this, the housing land shortfall is an issue affecting the whole County, and any unallocated sites coming forward to help meet this shortfall need to comply with the Plan strategy, which sees most housing growth focussed on our three main towns and the Severnside area, where the infrastructure is best.

## 5.2 Visual Impact

5.2.1 In the Monmouthshire Landscape Sensitivity and Capacity Study 2009, the application site, together with Parc Glyndwr and the land to the west of it as far as the Offa's Dyke National Trail, form Local Landscape Character Area M05. This area is identified as having a 'medium landscape sensitivity' and also a 'medium capacity for housing' although it is stated that this capacity is restricted to the area already allocated. This is reference to Parc Glyndwr which has since been developed. However, it is noted that apart from Local Landscape Character Area M07, which includes the LDP strategic site at Wonastow Road, all the other landscape areas surrounding the town are identified as being of either 'high or high/medium landscape sensitivity' and 'low or medium/low housing capacity'. The application site is, therefore, of lesser sensitivity and has higher capacity than most areas surrounding Monmouth and the effect of its development on the landscape could potentially be less than on other sites. (The area is one of the two lowest areas of sensitivity in Monmouth).

5.2.2 Views of the site from the wider landscape are restricted, they are prevented by a combination of: the surrounding built up area of Monmouth to the west and south; tall hedgerows and trees to the north and east; and the local topography that gently rises. Nonetheless this development will be visible from certain surrounding viewpoints: approaching the site along Rockfield Road in a southerly direction, Rockfield Estate is seen in the distance and whilst the existing planting softens views towards the town, the housing is clearly visible and creates a hard edge to the settlement. Parc Glyndwr is also seen in passing the application site and although it is accepted that the existing openness creates a buffer, there is limited planting to visually soften the view of the Parc Glyndwr. This development of this buffer, provides an opportunity to overcome the shortcomings of the existing development with the hard settlement edge and limited strategic planting. There are a number of measures that have been undertaken to achieve this within the parameters of this outline planning application.

5.2.3 As part of this application proposal, the development secures a substantial 3 metre wide strategic planting belt along the south boundary reinforcing the boundary between the application site and the existing Rockfield development. A 10m wide strategic planting belt is proposed along the northern boundary, a significant improvement over the existing scant planting buffer that forms the existing north boundary adjacent to the Rockfield Road residential site, thus helping the overall development to be assimilated into the surrounding open countryside to the north of the site while the south western boundary, which is a linear area of open space, would be dedicated to a community orchard and community planting initiatives with informal seating that softens the backdrop significantly.

5.2.4 There is no dispute that the character of the application site would be altered by the development. However, in approaching the site along Rockfield Road from either direction, the alignment of the road and existing and proposed planting together with the proposed setting back of the dwellings behind a well landscaped frontage (as shown on the illustrative plans) would limit and soften views of the development. The hard settlement edge that is clearly evident on the site now, will be buffered and screened by the new development that

will sit within the forefront and is designed so that there is no hard settlement edge that is visible from within the site or surrounding localised vantage points.

5.2.5 In terms of visual amenity the scheme is considered to be successful in achieving a high quality, attractive scheme which, in conjunction with the green infrastructure, softens the overall built form and helps the development to be assimilated acceptably into the surrounding countryside.

### 5.3 Green Infrastructure and Landscape

5.3.1 “Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. Individually these elements are GI assets, and the roles that these assets play are GI functions. Where appropriately planned, designed and managed, the assets and functions have the potential to deliver a wide range of benefits” (Green Infrastructure Supplementary Planning Guidance). Green Infrastructure (GI) has been a major steer in terms of adding value to this site and ensuring that it overcomes and addresses the shortfalls that arise from the existing surrounding development. The site is a relatively blank canvas in that it is relatively flat with a landscape fabric that is largely intact (boundary trees, hedgerow, watercourse/ ditch). In addition to the extensive planting proposed there is a surface water pond which is an open sustainable drainage system (SuDS) feature included in the south eastern corner of the site. This integrated approach to green infrastructure provision is an important opportunity that is situated to the front of the site helping to create a more open frontage to this residential site.

5.3.2 There is recreational value owing to the existing central footpath that runs north-south and has become a feature of the proposed development of this site running along the western boundary of the application site. This forms the link through the proposed Public Open Space within this site and delivers a community orchard with community food growing initiatives with informal seating. This north-south axis retains an important and intrinsic link and this development improves its accessibility with the replacement of an existing stile with a more accessible gate. This connection axis with the Rockfield Road development has been replicated (as far as possible within the boundary of the application site) with an east-west footpath link stopping currently on the north-west boundary at the PROW. The developer has agreed to providing a link to facilitate informal access to the site beyond (this will be further facilitated by the Council being able to provide an access point along the north-east boundary of Parc Glyndwr when the boundary hedge and ditch that runs along this boundary shortly comes into the ownership and control of MCC as secured by the S106 for that development). If the remaining parcel of land to develop a further 60 dwellings receives planning permission in the future, this informal link would be incorporated formally as a key green link within the site which will also join with the north west of the site facilitating access to the Offa’s Dyke path. The result being that this development facilitates and significantly improves permeability between this proposed site and the existing surrounding residential sites.

5.3.3 Green Infrastructure has been an essential element in raising the standard of this site to ensure it creates a better place to live, not only for the new occupiers but for the occupiers of the adjacent residential development. The principles of using the existing assets and maximising opportunities to enhance the scheme have now been embraced in this outline application. It is imperative through the imposition of appropriate conditions that this is secured to ensure this is delivered as part of the Reserved Matters submission.

### 5.4 Highway and Access

5.4.1 There have been a number of objections raised by local residents and Monmouth Town Council in terms of the capability of Rockfield Road in accommodating traffic movements in association with further residential growth within this part of Monmouth. There are however



off-site improvements to the road network proposed in this locality that are being secured as part of this development, specifically relating to off-site junction mitigation / improvement measures as identified in the transport assessment addendum and transport assessment. This will apply to the following locations:

Watery Lane / Rockfield Lane  
Wonastow Road / Rockfield Road  
Cinderhill Street / Blestium Street  
Cinderhill Street / Portal Road

5.4.2 The principle of the access point was agreed as part of the previous appeal in terms of design, as were the Heads of Terms relating to financial contributions towards off-site highway works and the requirement to enter into a Section 278 Agreement with the Highway Authority for not only the construction of the access but for the implementation of the required off site junction mitigation / improvement measures.

5.4.3 Further improvements are being secured through this application for the implementation of the required off site footway improvements on the western side of Rockfield Road. A further concern raised by neighbours is the speed of the road, currently east of the site, the road is subject to a 30mph speed restriction. However, from the eastern boundary of the application site westbound, the national speed limit (60mph) applies but again the developer is to provide a financial contribution to enable the Highway Authority to implement the extension of the 30mph speed limit and associated road safety and traffic improvements necessary prior to the construction of the means of access or as soon as is reasonably practical following the commencement of the means of access.

5.4.4 Finally, sustainable transport routes have been supported through a financial contribution towards the improvement and enhancement of the Monmouth Town Bus Service with a financial contribution to support cycling and further enhancements to the Monmouth Links walking and cycling networks or alternative schemes promoted by MCC.

5.4.4 The proposed access point meets highway requirements whilst at the same time ensuring through its position that minimal disruption to the surrounding green infrastructure is undertaken. This proposal subject to the relevant conditions being imposed and Heads of Terms secured will ensure that the proposed development meets the objectives of planning policy.

## 5.5 Neighbour Amenity

5.5.1 There are neighbouring properties on Levitsfield Close and Hamilton Way (and partly Trafalgar Close) that back directly onto the application site. There is an existing planting buffer forming the common boundary. This application proposes to provide a further 3 metre strategic planting belt along this south west boundary with these properties, which is significantly more than the existing landscape buffer. In the case of the properties alongside Hamilton Way, as a whole these will be adjacent to the surface water drainage pond which together with the strategic planting will prevent there from being any further overlooking or over-dominating issues arising between properties in this case. Indeed, careful layout and design which will be part of the reserved matters application, coupled with the proposed strategic planting will ensure that the new development will not have an adverse impact upon the residential amenity of the existing properties at Levitsfield Close.

5.5.2 There are two other properties situated on the northern corner of the site. Here a 10m wide strategic planting buffer provides more than adequate screening. Coupled with this careful siting of the new development (that will be resolved as part of the Reserved Matters

Application) will ensure that this development will not have a significant adverse impact on the residential amenity of these neighbouring properties.

5.5.3 The proposed development will deliver some benefits to the existing neighbouring properties with an improvement in the accessibility of green links between sites and beyond into the open countryside to the north of the site.

## 5.6 Drainage

5.6.1 NRW have confirmed there are no wider flooding issues and offered no objection to this development. Whilst the development is in Flood Zone A (i.e. is not an area at risk of river or sea flooding), the site is subject to surface drainage flow from the surrounding area. The surface flow links to the existing watercourses on the site, including along the eastern and southern boundaries. The proposal seeks to address this factor through a comprehensively designed SuDS system; the illustrative plans show the positioning of this drainage pond, although full details will be provided as part of a Reserved Matter Application.

5.6.2 With regard to foul drainage Welsh Water have confirmed there is no objection to the provision of 70 dwellings that can be accommodated on site subject to conditions that are imposed

## 5.7 Publicity

5.7.1 This application has been advertised as a Departure from the Local Development Plan through an advertisement in the Local Press, Site Notices have been put up on Rockfield Road and two further site notices put up within the Rockfield Estate, adjoining neighbouring properties have been notified by letter.

## 5.8 Response to the Representations of the Community/ Town Council

5.8.1 The issues have been addressed in the paragraphs above.

## 5.9 Section 106 Requirements

5.9.1 As well as the affordable housing provision covered in Section 5.10 below, the Council will also be seeking financial contributions for open space and local play provision, green transport and highway improvements.

5.9.2 In terms of open space and play, provision is being made for community orchard and food growing to the north west of the site adjacent to the PROW. A local area for play (LAP) is to be provided within this area comprising of an informal seating area through benches, land contours etc. A commuted sum is not payable as the site will be maintained via a private management company.

5.9.3 A GI Bond of £10k is sought for management, habitat creation and landscape planting to complement proposed improvements to the centralised play facility.

5.9.4 A contribution from the developer towards the improvement of off-site play provision and adult recreation in Rockfield. In recognition of the on-site provisions included in the submitted layout, an off-site contribution has been reduced by 50%, i.e. £1,566 per dwelling (the overall off-site leisure contribution from this site totalling £109,620). With the layout now proposed, there is an excellent footway link to other sites in the locality where this off-site provision can be met. The financial contribution requested is identified to be put towards improvements to: i) the Rockfield Main Open Space and ii) the New Monmouth Skate park.

Both these sites are within easy and safe walking distance of the development site at Rockfield Road West. It is proposed that the remainder will go towards Monmouth pool.

#### 5.10 Affordable Housing

5.10.1 The price of housing in Monmouthshire has risen to a level beyond that which many local people can afford. In 1999 the price of an average property in Monmouthshire was 4.6 times the average earnings of someone working in the County. This has now risen to over 9 times the average earnings (Source: Hometrack LQ house price - income ratio 03/01/17). The greatest need in the County is for social rent (there are currently 1028 households on the Council's Register requiring a home in the Abergavenny area). The Council therefore has had a neutral tenure policy for all affordable housing.

5.10.2 As the site is located outside the Monmouth Development Boundary it is a departure from the LDP. The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. The proposal relates to up to 70 dwellings and so the affordable housing requirement would therefore be 25 units

5.10.3 Given that one of the stated justifications for this departure application is the need to provide affordable housing then it is considered to be essential to be satisfied at this stage that the proposal is both deliverable and viable and can achieve an appropriate amount of affordable housing.

5.10.4 The preferred housing mix would be 8 x 2 person one-bed units (two blocks of walk up flats), 10 x 4 person two-bed houses, 3 x 5 person three-bed houses and 4 x 3 person two-bed bungalows.

#### 5.11 Reasons for Planning Conditions requiring a shorter timescale for submission of reserved matters and to commence development after approval of the outline permission

5.11.1 The standard condition whereby there are normally three years in which the reserved matters are to be submitted following the grant of outline permission has been reduced to allow twelve months for submission of reserved matters (condition 2 below). The reason for this is that the site, which is in open countryside and not a housing allocation in the adopted LDP, is only recommended for approval on the basis that it would help reduce the shortfall in the Council's five year housing land supply. For similar reasons the period in which the development must be commenced has been reduced from five years from the date of the outline permission to two years (see condition 3 below)

#### 5.12 Well-Being of Future Generations (Wales) Act 2015

5.12.1 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 WCFG 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 WCFG Act.

### **6.0 RECOMMENDATION: Approve subject to a Section 106 Agreement: Heads of Terms are as set out in sections 5.9 and 5.10 above:**

Conditions/Reasons:

1	Details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2	Any application for approval of the reserved matters shall be made to the local planning authority not later than <b>twelve months</b> from the date of this permission.
3	The development shall begin either before the expiration of <b>two</b> years from the date of this permission or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4	The development shall be carried out in accordance with the list of approved plans set out in the table below.
5	<p>Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority.</p> <p>(a) stating the date on which the development is to begin;</p> <p>(b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").</p> <p>Reason: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.</p>
6	No development shall commence until detailed designs and technical audits for the proposed means of access have been submitted to and approved by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
7.	No development shall commence until detailed designs and layouts indicating the proposed footway linkages to the adjacent residential developments have been submitted to and approved by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
8.	No development shall commence until details of the proposed off site footway improvements along the western side of Rockfield Road to the junction of Kingswood Road have been submitted to and approved by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
9.	No development shall commence until an audit of the existing local footways has been undertaken in accordance with the Active Travel (Wales) Act 2013 and submitted to and approved by the local Planning Authority.
10	Prior to any works commencing on site a Construction Management Plan (CMP) 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.
11.	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. The development shall be carried out in accordance with the agreed details.
12.	<p>No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details should reflect the guidelines set out in the Framework plan and the Indicative Masterplan and GI Framework plan. Details shall include:-</p> <ol style="list-style-type: none"> <li>1. Detailed plans / elevations of the proposed building</li> <li>2. proposed finished levels or contours;</li> <li>3. means of enclosure;</li> <li>4. car parking layouts;</li> <li>5. other vehicle and pedestrian access and circulation areas;</li> <li>6. hard surfacing materials;</li> <li>7. Minor artefacts and structures (e.g. furniture, artwork, refuse or other storage units, signs, lighting, floodlighting and cctv installations etc.);</li> <li>8. proposed and existing functional services above and below ground (e.g. drainage, power,</li> <li>9. Communications cables, pipelines etc. indicating lines, manholes, supports and CCTV installations.);</li> <li>10. Retained historic or other landscape features and proposals for restoration, where relevant.</li> <li>11. Soft landscape details shall include: planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.</li> <li>12. Water Features</li> <li>13. Clarification of access connections across the whole site</li> <li>14. Impacts and mitigation as a result of the proposed new access requirements.</li> </ol>
13	<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>
14	<p>Prior to development commencing on site, details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall be carried out in accordance with the agreed details.</p>
15	<p>Following first occupation of the development, provision of access as identified and set out in the approved Framework plan and the Indicative Masterplan and GI Framework plan shall be provided at the west boundary adjacent to the future development parcel. This access point shall be continuous and open to residents until the remainder of</p>

	the scheme comes forward and these routes are formalised as part of the Green Infrastructure contribution for the whole development.
16	<p>No development, demolition, earth moving shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include details of measures to protect:</p> <ol style="list-style-type: none"> <li>1) Nesting Birds</li> <li>2) Badgers &amp; Hedgehogs</li> </ol> <p>The Construction Method Statement shall thereafter be implemented in full.</p>
17	<p>No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.</p>
18.	<p>Prior to works commencing 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 in accordance with a timetable agreed in writing with the Local Planning Authority.</p>
19.	<p>A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority with the reserved matters. The content of the Management Plan shall include the following :</p> <ol style="list-style-type: none"> <li>a) Description and evaluation of Green Infrastructure assets to be managed. <ul style="list-style-type: none"> <li>• Existing vegetation to be incorporated – hedgerows and trees</li> <li>• Public open spaces</li> <li>• Informal play</li> <li>• Community growing areas</li> <li>• Habitat and species enhancement and management</li> <li>• Access arrangements across the whole site</li> <li>• Street trees and verges</li> </ul> </li> <li>b) Trends and constraints on site that might influence management.</li> <li>c) Aims and objectives of management.</li> <li>d) Appropriate management options for achieving aims and objectives.</li> <li>e) Prescriptions for management actions.</li> <li>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).</li> <li>g) Details of the body or organization responsible for implementation of the plan.</li> <li>h) Ongoing monitoring and remedial measures.</li> </ol> <p>The Management Plan shall complement delivery of the Dormouse Conservation Strategy including monitoring and remedial measures. The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how</p>

	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 shall be implemented in accordance with the approved details.
20.	Prior to the occupation of any dwelling on site a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation; this shall be integrated into the GI Management Plan as referred to in Condition 19.
21.	<p>A “lighting design strategy” shall be submitted at Reserved Matters for approval in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> <p>The development shall be carried out in accordance with the agreed details.</p>
22.	<p>A Reserved Matters application shall include a Dormouse Conservation Strategy to be approved by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>a) detail the impacts of the scheme, both during and post-construction,</li> <li>b) how these will be mitigated or compensated for, including habitats to be retained, replaced, and/or enhanced for dormice including measures to minimise the impact of the development on dormice, and proposals to maintain connectivity of the retained habitats to the wider landscape.</li> </ul> <p>The development shall be carried out in accordance with the agreed details.</p>
23.	No more than 70 residential properties shall drain to Rockfield Road Waste Water Treatment Works. The foul only flows from this development shall be made on the combined sewer between manhole reference number SO48144502 and SO48144608 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. 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

Informatives:

**Community planting** - If the land allocated for community food growing is not taken up within the landscape maintenance period (within 3 years), an alternative contingency plan should be

provided (e.g. the area could be planted with fruit bushes to be maintained until year 5) This detail needs to be included and thoroughly covered within the GI Management Plan (covered under Condition 19) to be submitted as part of the Reserved Matters Application.

**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.

**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.

**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.



DC/2017/00705

## 250 SEATED STAND AND HARD STANDING PATHS

UNDY ATHLETIC FOOTBALL CLUB, THE RAMP, UNDY NP26 3EN

### RECOMMENDATION: APPROVE

Case Officer: Kate Young  
Date Registered: 20/06/17

#### 1.0 APPLICATION DETAILS

1.1 Undy Athletic Senior Football Team has been promoted up into the Welsh League and in order for them to play in that league they need to have a stadium which complies with the Welsh Football League grounds criteria and that includes a stand that is able to seat 250 spectators as a minimum. The current application seeks permission for that stand which would measure 46 metres in length, 3.7 metres in width and would have a mono-pitched roof with a maximum height of 3.5 metres. The stand would have a metal frame and be covered in grey box sheeting. A new hard surfaced path would be provided around three sides of the existing pitch. The existing parking area would be retained.

#### 2.0 RELEVANT PLANNING HISTORY

DC/2005/00804 - Extension To Existing Clubhouse To Provide External Viewing Areas And Internal Refurbishment To Provide Extended Clubroom At First Floor, Improved Cellarage And Additional Referee Facilities And Storage. An Additional Overflow Car Parking Area Behind Bridewell Gardens with Access from The Causeway. - Approved

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

S5 – Community and Recreation facilities

##### Development Management Policies

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

CRF3 – Safeguarding Existing Recreational Facilities and Public Open Space

#### 4.0 REPRESENTATIONS

##### 4.1 Consultations Replies

Magor with Undy Community Council – No reply to date

MCC Public Rights of Way - The applicant's attention should be drawn to Public Footpath No. 4 in the community of Magor with Undy which runs adjacent to the site of the proposed development and over its access.

Public Path no. 4 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place.

No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface must be made good at the expense of the applicant.

#### 4.2 Neighbour Notification

##### Objection letters received from seven local households:

The land on which the football fields stand was originally donated to the council with a covenant that it be used for leisure purposes only.

A fence around the site will restrict access

The play park will become obsolete

Only a small number of footballers will benefit

Loss of open green space

While the senior club are doing well this is the cost to the rest of the club

Adverse impact on junior teams

Most of the senior team players live outside the village

No helping the local community

Local families will not be able to use the pitch

Decline in revenue from the bar

Loss of space for charity events

Decisions made by a minority group, no vote and no consultation

All plans should be for the benefit of the community and inline with the specific requirements of the Community Asset Transfer.

Negative impact on recreational and social purposes of the club

Can not supervise the play area and the pitches at the same time when the main pitch is fenced off

Reduces the amount of parking provision

Club membership has not been consulted

Drawings are inaccurate (does not show the outside seating area for the club)

Position of public footpath not shown

Loss of a community asset

Too close to residential properties

Difficult access for emergency vehicles

Increase in parking on The Causeway on match days will be exacerbated leading to access difficulties for residents and emergency vehicles

Increase in noise on match days

Bad language

Pitch will be closed off to local residents

Need to consider how the negative impact can be limited

Obstruction to traffic movements

Poor Access Existing stands are not used

Is there an intention to rent out the ground for financial gain?

Do not want adverts on the stands

##### Letters of support from 3 addresses

Good to see the development of local sports facilities.

Significant material improvement to the facilities of the club which will benefit many players

No adverse impact on the neighbourhood generally

Well away from existing houses

In line with national guidelines to improve access to sport for all.

## 5.0 EVALUATION

### 5.1 Principle of the proposed development

5.1.1 Policy S5 of the Monmouthshire LDP states that development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations. The principle of a new stand on the existing football pitch within the development boundary is acceptable in policy terms. In this case the material planning considerations are the visual impact of the stand, impact on neighbour amenity and parking provision.

### 5.2 Design

5.2.1 The size of the stand is determined by Football Association of Wales (FAW) league requirements. There is a council-wide policy to develop and promote sport facilities and unless the new stand meets FAW requirements and is in place by April 2018 the senior team of Undy Athletic Football Club will be unable to play in the league to which they have just been promoted. The use of box steel sheeting is appropriate for this type of development and has been used on other sports facilities across the county including Goytre and Caldicot football club stands. The colour of the sheeting can be controlled by condition. The stand will face towards the pitch and away from the properties of Crossways Close. There is no intention to put up advertising on the stands, if that was the case it would need to be the subject of a separate application.

### 5.3 Residential Amenity

5.3.1 The land is already used as football pitches for the existing club. The introduction of the stand should not in itself result in an increase in the numbers of people attending the games. To the north of the pitch is the Main Railway Line and to the east are open playing fields. The residential properties of Whitehall Gardens are to the west but between these houses and the proposed new stand is a distance of at least 50 metres with an intervening road and car park. To the south of the pitch are several residential properties. There is a high mature hedge along this boundary that will effectively screen the properties from the new stand. The new stand which would be a maximum height of 3.5 metres would be at least 55 metres from the boundaries of those properties. The distance of the proposed stand from neighbouring residential properties combined with its low height means that the residential amenity of nearby residents will not be compromised. In addition the stand is facing towards the pitch and away from the houses which will help to contain any noise from spectators. The proposal therefore accords with the objectives of policies EP1 and DES1 of the LDP.

### 5.4. Parking Provision.

5.4.1 The main car park for visitors to the club is to the left hand side of the access towards the club house and this will not be affected by the proposal. To the south of the pitch is an area of hardstanding which is used for the turning of coaches and other large vehicles. The proposed stand will encroach on this slightly. This loss will be more than compensated for by the additional 20 spaces that are being provided on the land to the right of the access which was being used as the compound in association with Rail Bridge improvements. As a result of the stand being built there should be no net increase in the numbers of people visiting the club on match days but there will be an increase in the amount of parking provided.

## 5.5 Other Issues Raised.

5.5.1 Many of the issues raised by the local residents are related to the internal politics of the club and not material planning considerations. If there is a covenant on the land this is a private legal matter and not a planning consideration. The current application does not include fencing off the pitch or restricting access to the site. A separate application for a fence may be submitted at a later date. The line of the footpath across the site is not affected by this proposal and is capable of being kept open at all times. The erection of the proposed stand will not impact on the ability of emergency vehicles to access the site.

## 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 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/Reasons

1. 5 years to start work
2. The development shall be carried out in accordance with the list of approved plans
3. Colour of the cladding to be agreed in writing before development starts.

### Informative:

Public footpath to be kept open at all times.

**DC/2017/00707**

**DEVELOPMENT DESCRIPTION: REPAIRS AND ALTERATIONS TO FORMER SHOP UNIT TO NEW RETAIL UNIT INCLUDING ALTERATIONS TO THE SHOP FRONT**

**LOCATION: 25 MONNOW STREET, MONMOUTH, NP25 3EF**

**RECOMMENDATION: APPROVE**

Case Officer: Jo Draper

Date Registered: 9<sup>th</sup> June 2017

## **1.0 APPLICATION DETAILS**

- 1.1 The application site is situated within the Primary Shopping Frontage for Monmouth Town Centre. This application relates to the physical changes to the shop front, the user (in this case Specsavers) is A1 and thus no change of use is involved.
- 1.2 The building to which this application relates is located on the main shopping street where the road begins to narrow. The building is grade II listed and is situated within the Monmouth Conservation Area. Most recently 25 Monnow Street has been a large retail premises (Clark's shoe shop) on the ground floor with flats above. The shopfront is modern as is most of the internal fabric to the ground floor.
- 1.3 It is proposed to amend the existing shopfront and replace the signage. There is a concurrent application for listed building consent relating to the external and internal alterations.
- 1.4 The current shopfront is of modern appearance and fabric. This application proposes to remove the recessed doorway, which is not an original feature, and infill this section in a matching design. The existing opening would be in-filled with a plinth and glazed screen to match those adjacent. There is a new entrance lobby proposed with a set-back glazed timber door. The recess would have a ramped approach, 1:12 max gradient to accommodate less ambulant persons.
- 1.5 There have been revisions submitted following discussions with the Council's Heritage Officer to reduce the size of the fascia to be of a more appropriate proportion and to expose the sill of the first floor windows. This has also involved reducing the size of the lettering and the branded sign over the new entrance door.

## **2.0 RELEVANT PLANNING HISTORY**

DC/1983/00996 – Planning Permission for a new shop font – approved 1984  
DC/2017/00707- Concurrent Listed Building Application

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S17 - Place Making and Design

### Development Management Policies

EP1 - Amenity and Environmental Protection  
DES1 - General Design Considerations

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

Monmouth Town Council: Recommends refusal.

The objection is based on the visual attractiveness of the town and the architectural look of the shop front.

### **4.2 Neighbour Notification**

There have been 4 representations received in support of the application, the points raised are as follows:

- Support the application as the building has been vacant for so long.
- The space is so large it is probably only appropriate for a nationwide retailer to occupy, but for that to happen I can fully understand that the frontage will need to be brought more in line with the street to stop people urinating in the recessed doorway, which sadly does happen.
- If the re-designed frontage is aesthetic and in keeping with Monnow Street's appeal, surely there should be great merit in the change.
- The proposed alterations keep the existing windows and preserve the geometry of the existing shopfront preserving the frontage of this shop
- Essential for Monmouth Town Centre that these shops to continue to trade

There has been one representation received objecting to the proposal on the following grounds;

- Changing the shop front in the way proposed affects the whole row to its detriment.

### **4.3 Other Representations**

D. Cummings - Chairman of Monmouth Chamber of Commerce comments that the Chamber very much welcomes the plans that have been submitted for changes to 25 Monnow Street for the prospective tenant Specsavers. The former Clarks store, in our main shopping area, has been empty for several years and has had a negative effect on the appearance of our generally very buoyant retail sector. We welcome the statement of confidence in the town by Specsavers that they have chosen to move to larger premises in Monmouth.

The changes to the frontage, not only bring the appearance of the property into keeping with the rest of the street, but remove a stopping off point for those revellers with full bladders on their way back home from a night out.

## **5.0 EVALUATION**

### **5.1 Duty to preserve the listed building and impact on the character and appearance of the Conservation Area**

- 5.1.1 The proposals do include a smaller recessed doorway within a traditional shop front which is a far more common feature in the high street than the current arrangement. The Council's Heritage Officer has secured changes to the fascia size so that it is better proportioned and the proposed external alterations are considered acceptable. Therefore the proposed changes are not considered to have a detrimental impact on the character or appearance of the building, or is it considered to have a negative impact on

the character and appearance of the Conservation Area. This is considered to be an improvement to the overall shopfront and is welcomed.

5.2 Response to the Representations of the Community/ Town Council (if applicable)

The design issues raised have been addressed above

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

5.3.1 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. Five years in which to commence development
2. Implementation in accordance with approved plans / table
3. Notwithstanding the approved scheme the trough lighting shown on drawing AL.11 Rev A 'Proposed Floor Plans and Front Elevation as Proposed' is not part of the approved scheme.

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**DC/2017/00728**

## **RESERVED MATTERS APPLICATION FOR FOUR DETACHED DWELLINGS**

**FORMER WENTWOOD INN, CHEPSTOW ROAD, FIVE LANES, CAERWENT**

### **RECOMMENDATION: APPROVE**

Case Officer: Kate Young  
Date Registered: 04/04/17

#### **1.0 APPLICATION DETAILS**

1.1 The site of the former Wentwood Inn occupies a large and prominent location on the south side of the A48 at Five Lanes approximately a mile to the west of Caerwent. Outline planning permission, with all matters reserved, was granted on appeal for four dwellings in March 2015. As part of the outline application an indicative site plan was included which showed the siting of the four detached dwellings, their maximum scale parameters, a single access point from the A48 and substantial landscaping of the site. The current application seeks the erection of four large detached dwellings with detached garages and vehicular access off the A48. The application is presented to Committee as the applicant is related to a County Councillor.

#### **2.0 RELEVANT PLANNING HISTORY**

DC/2014/00482 Outline Permission for 4 Dwellings Allowed on Appeal  
DC/2013/00259 Conversion of former public house into 5 terraced houses with detached car ports Approved

DC/2012/00659 Conversion of restaurant into 7 Residential units Approved

DC/2003/01354 Entrance Porch Approved  
DC/1993/00843 Signage Consent Granted  
DC/1989/01588 Internal alterations and refurbishment Approved  
DC/1973/00032 Outline application for residential use Refused

#### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

##### Strategic Policies

S1 – Spatial Distribution of New Housing  
S4 -Affordable Housing Provision  
S13 -Landscape Green Infrastructure and the Natural Environment.  
S17 – Place Making and Design

##### Development Management Policies

EP1 – Amenity & Environmental Protection  
DES1 – General Design Considerations  
CRF1- Retention of Community Facilities  
SD4 - Sustainable Drainage

SD3 – Flood Risk  
LC1 – New Built Development in the Open Countryside  
MV1 – Proposed Development and Highway Considerations

## 4.0 REPRESENTATIONS

### 4.1 Consultations Replies

Caerwent Community Council – No reply to date.

Glamorgan Gwent Archaeological Trust – Whilst we understand that the nature of the application has changed since the previous applications at this site, our understanding of the archaeological resource has not altered since our last letter and it remains the case that the works proposed will require archaeological mitigation. Consequently, we have no objection to the positive determination of the current application but again recommend that a condition is attached to any planning consent that is granted ensuring that any archaeological features and finds that are disturbed by the works are identified, fully investigated and recorded.

Dwr Cymru Welsh Water – No objection to the Reserved Matters subject to compliance with the drainage condition imposed on the outline.

MCC Highways – The site layout drawing as submitted with the application demonstrates the single vehicular access off the A48 to be in accordance with the previously approved layout with a shared private driveway serving each of the proposed dwelling units. From the shared private drive each unit has their own access driveway and parking area which for a maximum of 3 vehicles in accordance with the Monmouthshire Parking Standards. In addition to the driveway parking area there is also the availability for garage parking space. In light of the aforementioned comments we are satisfied that the layout is in accordance with the previously approved layout therefore there are no highway grounds to sustain an objection to this application subject to the suggested conditions.

MCC Tree Officer – The only trees on site are the remnant of Ancient Semi-Natural Woodland to the south of the proposed development which we protected with a TPO. A few months ago I attended site with the landowner and his arborist to discuss tree works prior to development. Some trees were removed from the embankment immediately above the proposed plots but these were mainly saplings and were outside the TPO anyway. The woodland itself should not be affected as it is outside the development boundary. If the applicant hasn't already sent in a Landscape Plan, we require more detailed information on tree/shrub planting following completion, however, things have changed since my last formal involvement with this site and this aspect should now be dealt with by Ben Terry. In the meantime a simple tree protection condition could be imposed as follows:

MCC Urban Design Officer - Initial comments on the above application.

- \* No scale / dimensions on drawings (height of units).
- \* House type 2 should be replaced with house type 3 – Street scene
- \* Would advise not to mix roof materials – dark slate only.
- \* Combination of wall materials should be refined – to protect the appearance of development  
(Double gable house types should be revised)

- \* Garden space to rear house 1 & 2 will be in shade most of the year – Opportunity to revise siting of these units.
- \* Boundary fencing – No details provided.
- \* No landscape planting submitted – would advise to submit as part of this application.
- \* Land drainage issues to rear of properties –has this been addressed?

#### 4.2 Neighbour Notification

No objection received

#### 4.4 Local Member Representations

Cllr Murphy - Layout approved. Recommend a mixture of brick, natural stone and timber. The timber should be a natural material. Each house will have its own sealed unit for sewerage management. A condition will be required. The fibreglass tank which was installed on the site 19 years ago should be removed and made safe.

### 5.0 **EVALUATION**

#### 5.1 Principle of the proposed development

- 5.1.1 The principle of developing this site with four large detached dwellings and an access off the A48 has already been established at the outline stage within DC/2014/00482. Permission was granted for this development at appeal in 2015. The outline planning did not impose any financial contribution for affordable housing at this site as the now adopted Supplementary Planning Guidance for Policy S4 was still under development.

#### 5.2 Design

- 5.2.1 Outline permission has been granted for four detached dwellings and the scale parameters of the development was established on the indicative site plan. When allowing the outline consent the Planning Inspector considered that the scale parameters were acceptable. This reserved matters submission is in accordance with these parameters. The scale and form of the proposed dwellings are considered to be acceptable. The proposed dwellings would vary in design and form but there would be a common contemporary modern approach which works well. The dwellings would have high pitched roofs but the modern fenestration and materials would result in the dwellings having an overall pleasing appearance.

- 5.2.2 The proposed materials have been amended to simplify the palette of finishes. The scheme would incorporate slate for the roof, painted render and timber cladding for the external walls with aluminium windows. Samples of all the materials have been seen on site and are appropriate for this area. Other dwellings in the area are finished in stone, brick and render. The dwellings proposed are of a contemporary style and are appropriate in this location. The dwellings proposed here, although large do reflect the general character of the area. The proposed development would not harm the character and appearance of the area or the wider rural landscape. Each of the dwellings would have a large detached or linked garage. The scale of the garages is commensurate with the size of the dwellings. The garages would appear as subordinate, ancillary elements within the streetscene. The proposed development is considered to be of a high standard of design that is appropriate for the area and would be in accordance with Policies DES1 and EP1 of the Local Development Plan (LDP).

#### 5.3 Access /Highway Safety

5.3.1 The proposed access arrangement for the dwellings utilises an historic access at the site and is considered to be appropriate. The proposed dwellings would lead to a reduced level of traffic movements at the site compared to the previous A3 use and the access is considered to be acceptable. The proposed parking provision at the site is acceptable and the development would not have an adverse impact on highway safety and would be in accordance with Policy MV1 of the LDP.

#### 5.4 Residential amenity

5.4.1 The four proposed dwellings would not harm the privacy and private amenity of any other party. The proposed intervening distances between openings and neighbouring properties is acceptable and the development would not harm any other party's residential amenity and would be in accordance with Policy EP1 of the LDP. There have been no objections to the proposals.

#### 5.5 Drainage

5.5.1 The site is located within the Great Spring Source Protection Zone 1 (SPZ1). Source Protection Zone 1 areas are designated closest to the source of potable water supplies and indicate the area of highest risk for abstracted water quality. Poorly managed cesspools in this catchment area would present a risk of polluting potable water supplies. Inside SPZ1 NRW will normally only agree to the use of sealed sewage storage (cesspools and cesspits) if it can be demonstrated that there is no practical alternative. In this case it is proposed that surface water will go to soakaway and that foul will be disposed of by septic tank. This was the situation proposed as part of the outline application. When allowing the appeal the Inspector imposed a condition requesting details of the implementation, maintenance and management of a sustainable drainage scheme. This has to be agreed before work on site commences. He also requested a scheme for the provision of foul drainage works including the emptying of cesspools to be submitted to and approved in writing by the local planning authority. This implies that the use of sealed septic tanks that require emptying, would be acceptable on this site.

#### 5.6 Conclusion

5.6.1 The design, scale and form of the proposed dwellings is acceptable and would be appropriate for the site. The proposed dwellings are large and are of a contemporary design that would harmonise with the rural landscape. The proposed scale and design of the dwellings would result in the development being appropriate for the site. The resultant dwellings would have an acceptable visual impact and would be in accordance with the relevant policies in Monmouthshire's Local Development Plan.

#### 5.7 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/Reasons

1. Development shall be carried out in accordance with the list of approved plans.

Reason: For the avoidance of doubt

2. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

3. Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

Reason: To ensure a satisfactory form of development takes place

4. Trees on site shall be fenced off in accordance with the details shown in the Tree Protection Plan dated 14th July 2017 before construction work commences and will remain in-situ for the duration of the development. Temporary removal/ realignment of the fencing for whatever reason must first be agreed in writing with the Local Planning Authority.

Reason: To protect a valuable green infrastructure asset in accordance with Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

5. Prior to the occupation of any dwelling takes place on site full details of the arrangement of the existing eastern access and the closure of the existing western access shall be submitted and approved in writing by the local planning authority. The approved details including the arrangement of the eastern access, the closing up of the western access and the parking provision shall be completed at the site prior to the occupation of any dwelling.

Reason: In the interests of highway safety

6. A 4.1m wide shared access road shall be provided from the junction with the A48 to allow the safe passing of two way traffic.

Reasons: In the interests of highway safety

### Informative.

The Development should comply with all the conditions imposed on the outline application DC/2014/00482.

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DC/2017/00761

## PROPOSED SINGLE STOREY SHOP EXTENSION AND FORMATION OF ADDITIONAL CAR PARKING

ABERGAVENNY SERVICE STATION, 5 HEREFORD ROAD, ABERGAVENNY

### RECOMMENDATION: APPROVE

Case Officer: Kate Bingham  
Registered: 22/06/2017

#### 1.0 APPLICATION DETAILS

- 1.1 This application is for the redevelopment of an existing sales kiosk building serving an established Esso fuel filling station with an extension to provide better facilities for customers and staff. The extension to the shop would require the access to the existing car wash to be pushed back utilising a small amount of the vacant land to the rear which would also provide space for three staff parking bays. It is also proposed to create a customer car park for the shop to the side of the garage on existing vacant land. The extension would increase the existing shop by 208 sq.m creating a gross floor area of 278 sq.m, of which 190 - 200 sq.m would be net sales area (about 2000sq.ft.). To put this in context, Members should note that the approved Morrison's foodstore would have a net sales area of 2850 sq.m. (30,677 sq. ft.) while the existing Lidl's store is 860 sq.m. net (9256 sq. ft.).
- 1.2 All pumps and tanks would remain as existing along with the car wash and plant room.

#### 2.0 RELEVANT PLANNING HISTORY

DC/2015/01243 – Residential development to rear. Invalid (objections from Welsh Government Transport in relation to access onto A40)

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

S6 – Retail Hierarchy  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S16 - Transport  
S17 – Place Making and Design

RET4 – New Retail Facilities  
NE1 - Nature Conservation and Development  
EP1 – Amenity and Environmental Protection  
DES1 – General Design Considerations  
MV1 – Development and Highway Considerations

#### 4.0 REPRESENTATIONS

##### 4.1 Consultation Responses

Abergavenny Town Council – recommends refusal. Increased use of the site will impact on traffic. Access/egress arrangements considered inadequate.

Natural Resources Wales – No objection. Gross contamination not present at the site in this location.

WG Highways – Awaiting comments.

Dwr Cymru- Welsh Water – No objection. Note that the site is crossed by a public sewer.

MCC Environmental Health – No objection subject to condition (noise).

#### 4.2 Neighbour Consultation Responses

No comments received.

#### 4.3 Other Consultation Responses

Abergavenny and District Civic Society - The proposed retail extension is outside the Central Shopping Area and the applicant has not demonstrated that a suitable site is unavailable in the CSA. It is also not in a designated neighbourhood centre. The applicant has also not demonstrated a local need for the development, which is not sited in a residential area.

Despite the pre-application advice, such policy considerations would seem to suggest a refusal of the application, though we continue to be surprised at the amount of retailing permitted at service stations, garden centres, etc. Furthermore we would expect Welsh Government to object to extra vehicle movements on this increasingly busy trunk road junction. The parking provision may meet standards but the servicing arrangements seem unworkable.

We are aware that a 2015 application to develop backland between Hereford Road and Ross Road failed to show a satisfactory access. There may be an opportunity here for the parties to cooperate to devise an acceptable scheme.

### **5.0 EVALUATION**

#### 5.1 Principle of Development

5.1.1 Policy RET4 relates primarily to new retail proposals but it also applies to extensions to existing retail premises. It states that where development is proposed outside the defined Central Shopping Area (CSA) the proposal will be assessed against the following criteria:

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

5.1.2 Although outside the Central Shopping Area (CSA) the site is very close to the CSA (within 50m) and has an existing well-established retail use. The existing shop is small and notably cramped inside. It generally relies on trade from passing motorists who stop



to purchase fuel and this will remain as the primary purpose of the site. Even enlarged it is unlikely to draw significant customers away from the shops in the Central Shopping Area as there would be a much more comprehensive range of goods available within the much larger grocery stores in the CSA.

5.1.3 Any sale of hot food on the premises would require change of use from A1 retail to mixed A1/A3 in its own right and has not been included as part of this application.

## 5.2 Residential Amenity

5.2.1 The existing fence at the rear of the site is proposed to be re-positioned by approximately 10m to accommodate the new development but there would still be approximately 13 metres between the proposed rear of the new shop and access to the car wash and the end of the gardens of the nearest properties to the east. This separation will ensure that the residential amenity of these properties is not harmed by noise and disturbance caused by the operation of the car wash plant or from general noise and disturbance as a result of the activity related to the new shop and the car wash. Indeed, the car wash building and its related plant room are not being moved (it is only the access to them that is being moved about 13m to the east) and this change should not cause unacceptable harm to any nearby properties and nor should the use of the three staff parking spaces off this internal access driveway.

5.2.2 The proposed car park to the south will adjoin the car parking area for a building that is subdivided into flats and therefore the impact on residential amenity is not expected to be harmful for residents.

## 5.3 Visual Impact

5.3.1 The proposed redeveloped shop will be similar in appearance to the existing having a glazed front, Kingspan panelling (coloured mid-grey) and a flat roof that will be lower than the existing canopy for the pumps. The proposed design is appropriate for this type of development and would not harm wider visual amenity.

5.3.2 There will be no changes to the boundary around the proposed new car park which as existing is vacant land with an informal hard surface.

## 5.4 Access and Parking

5.4.1 Existing parking is limited to informal parking on the forecourt and three spaces to the rear of the shop. It is proposed to utilise vacant land to the side of the forecourt to provide twelve new customer parking spaces including two dedicated disabled parking spaces. Three spaces for staff would also be retained. Currently customers park in an ad hoc manner across the front of the site and the new car park should regularise and encourage them not to block the vacuum and air services or the HGV pump.

5.4.2 Access would be from the forecourt with no alterations to the access onto the A40 proposed. The existing sight lines at the exit are in the order of 2.4 x 90m to the south and 2.4 x 50m to the north which are considered adequate for an egress onto a road subject to a 30mph speed limit in an urban area. It is hoped that as a result of an improved shop, customer numbers will increase but this is obviously not guaranteed. Notwithstanding this, a traffic assessment (TA) has been provided as part of the application submission. This shows that the development proposals could result in an increase in of 53 two way trips in the afternoon peak hour period on a Saturday. However, as the majority of trips to a petrol filling station are already on the local road network, albeit not necessarily passing the site, it is generally accepted that 60% of trips to a service station

are already on the immediate local road network. On this basis the number of new trips on the local highway network would be 40% of the figures given in Tables provided in the TA, which would result in only 14 additional traffic movements per hour during the morning peak hour period and 19 vehicles per hour in the evening peak hour period. There would be an increase in traffic on a Saturday afternoon of 22 traffic movements per hour.

5.4.3 When comparing the additional traffic movements to the existing traffic flows on Hereford Road (see Tables 2A and 2B) the percentage change is only about 2% during the weekday peak periods and 2.6% during the Saturday peak period. It is therefore considered that the additional traffic movements generated by the development proposal will have no significant impact on the local highway network.

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

## 5.5 Environmental Health Issues

5.5.1 An external plant compound area is planned on the western façade of the proposed extension. No detail has been provided regarding the equipment intended and the operating noise level(s). It is therefore recommend in order to minimise any potential noise impact from this area on nearby residential properties that any grant of planning permission is subject to a condition requiring these details to be provided prior to their use commencing.

5.5.2 The land was not found to be contaminated with the fuel pumps remaining in situ at the front of the site.

## 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 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.	Details of the noise level(s) from the mechanical plant and equipment to be located in the external plant compound area and noise level(s) to be expected at the boundary of the nearest residential property shall be submitted to and approved in writing by the Local Planning Authority prior to their use commencing.

### Informatives:

Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

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**DC/2017/00786**

## **CHANGE OF USE FROM A CONVENIENCE STORE TO A FISH & CHIP SHOP**

**MARDY STORES, HEREFORD ROAD, MARDY, ABERGAVENNY, NP7 6HU**

### **RECOMMENDATION: APPROVE**

Case Officer: Elizabeth Bennett

Date Registered: 06/07/2017

#### **1.0 APPLICATION DETAILS**

1.1 This application relates to the proposed change of use from a convenience store to a fish & chip shop at Mardy Stores, Hereford Road, Mardy. The property was previously a 'Premier' convenience store open between the hours of 7 am to 9pm. The proposal is to change the use from an A1 use – a shop - to an A3 use – a hot food takeaway. The external elevations of the building will remain the same, but, the roof will include the addition of an extraction flue to the north side. There is an additional application (DC/2017/00787) to include a new advertisement sign to the external of the building replacing the previous sign for the convenience store. All dimensions and lighting for the sign will remain the same as the previous sign.

#### **2.0 RELEVANT PLANNING HISTORY**

DC/2017/00787 Concurrent advertisement consent application for new fascia sign – undetermined.

#### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

##### **3.1 Strategic Policies**

S8 - Enterprise and Economy

S13 – Landscape, Green Infrastructure and the Natural Environment

S17 – Place Making and Design

##### **3.2 Development Management Policies**

EP1 – Amenity and Environmental Protection

DES1 – General Design Considerations

RET3 – Neighbourhood Centres

MV1 – Highways Considerations and development

CRF1 – Retention of Existing Community Facility

#### **4.0 REPRESENTATIONS**

##### **4.1 Consultation Responses**

Llantilio Pertholey Community Council – No response to date.

Environmental Health Officer:- On appraisal of these plans I can advise that while there will be the potential for cooking odour to be discernible from time to time and noise from the terminal vent audible at the nearest dwellings, I do not anticipate a level of impact on which I could substantiate an objection. I also note the proposed mechanical extraction system

including odour control measures detailed in drawing numbers JDQ309(1) + (2) and Systemair extract fan noise level specification.

On appraisal of these plans I can advise that while there will be the potential for cooking odour to be discernible from time to time and noise from the terminal vent audible at the nearest dwellings, I do not anticipate a level of impact on which I could substantiate an objection.

MCC Highways Officer - The application site has served as a convenience store historically and whilst the car parking provision for the store is limited it has functioned well through the existing availability of on-street car parking on Hereford Road. Considering the application on its merits the Highway Authority consider that the site has existing and historical retail use and it is proposed to change the current retail use for another. Based on this there are no reasonable grounds to object to the development - the proposal development is a retail for retail use and will continue to function as the convenience store has historically. Furthermore, it could be considered that a fish and chip shop will have less of an impact than the existing convenience store as opening hours tend to be limited to certain hours of the day as opposed to a convenience store which has unlimited opening hours. In light of the above comments there are no grounds to object to approval of the application.

Dwr Cymru Welsh Water - We would request that if you are minded to grant planning consent for the development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### 4.2 Neighbour Consultation Responses

14 Letters of objection from neighbouring households have been received

32 Letters of support from neighbouring households have been received

1 Letter providing a general observation regarding the application has been received

##### 4.2.1 Objection Letters

- Safety of Pedestrians and road users generally
- Increased levels of noise
- Vehicles blocking access to homes
- People nuisance – the tying of dogs to fences, people sitting on walls
- Detrimental effect upon the character of the village and the local area
- Smell, noise and disturbance a fast food outlet is bound to bring
- Waste paper carelessly thrown around together with the attraction of undesirables feeding themselves on the street in the area
- Absence of suitable parking provisions for its customers makes this not the place for it
- Litter problems, parking problems & undeclared opening hours
- Traffic problems
- Adverse effect on property values in the area

##### 4.2.2 Support Letters

- I do not feel this would be worse than it was whilst the previous shop and post office that were open for many years
- This will be a useful addition to the local community
- Great bit of news. The local community have needed a takeaway for years
- A welcome addition to the local community bringing employment and a better sense of community spirit to the village
- Mardy will benefit with a chip shop, more accessible than town

- It's about time we had a chippy, this is a good spot to have one
- There is a need for this as there is not anywhere in the village where you can get this service
- The property will remain in commercial use
- This would be a good asset to the local community
- There are no food outlets within walking distance. Local people will undoubtedly walk here so I cannot see that the parking is going to cause any more of an issue than the shop did when it was in full operation
- I believe it will be a very popular change to the local community
- A chip shop would benefit the area especially for some of the older residents who can't make it into town
- Will bring trade into the area
- Excellent idea
- Well done... so in need of this
- A great addition to the village
- Great for the local community
- Would like to see this open
- Would be a fantastic business for the Mardy area

#### 4.2.3 General Observation

- Concerns about the opening hours. The previous convenience store closed at 21.00 hours and I would suggest that this limitation should be placed on the current application

4.3 Councillor Malcolm Lane – Has recommended refusal of the application -concern regarding adverse opportunist parking while visiting the proposed chip shop, close to a pedestrian crossing.

## 5.0 **EVALUATION**

### 5.1 Principle of development

5.1.1 This application relates to the proposed change of use from a convenience store (A1 retail use) to a fish and chip shop (A3 use class) at Mardy Stores. The site lies within a designated neighbourhood centre as outlined in Policy RET3 of the LDP. The property the application relates to was previously a combined convenience Store and post office. The business has finished trading due to a decrease in footfall and the property has remained boarded up and empty since closure. The loss of this facility is not unacceptable given that the area would be adequately served by other similar retail facilities within the vicinity of the site in accordance with Policy CRF1 of the LDP. The principle of changing the use of the building to a fish and chip shop would not undermine the vitality and viability of the centre and would encourage footfall in the area in accordance with Policy RET3 of the LDP. The change of use would bring the unit back into beneficial use and would be acceptable within a designated neighbourhood centre.

### 5.2 Residential amenity

5.2.1 The previous retail use had long opening hours associated with it. As a convenience store customers visited the store throughout the course of the day and evening. The new proposal to change the use to a take away business would limit the hours that customers could visit the new facility to 9:30pm which would be reasonable given the proximity to nearby houses. The applicants, in support of their application have submitted details of their proposed internal layout along with details of the proposed extraction and filter system. These have been assessed by MCC's Environmental Health Officer who has found the

proposed units acceptable for their proposed use. The EH Officer has also recommended sound insulation to the party wall between the residential unit and the rear internal wall of the shop. This insulation must comply with Building Regulations regarding sound insulation. This is to reduce any noise impact upon the adjoining residents at the rear of the building. On balance it is not considered that the proposed change of use into a take away establishment would have an unacceptable impact on the residential amenity of neighbouring properties in accordance with Policy EP1 of the LDP.

## 5.2 Highways & Parking Issues

5.2.1 The property has existing limited parking to the front of the store, and, the kerbside is without double yellow lines, having a parking bay, allowing parking here at any time. Double yellow lines are in existence behind the parking bay allowing permanent access to the properties at the rear of the shop. Whilst it is noted this area has a particular 'pinch point' where the highway narrows, MCC Highways have fully reviewed the proposal and, considering the existing and historical retail use have concluded that there are no reasonable grounds to object to the proposed development. The Highways Officer outlined that a fish and chip shop would have less of an impact than the existing convenience store as opening hours tend to be limited to a narrower range of hours over the day.

5.2.2 The landlady of the nearby Crown & Sceptre Public House has submitted a letter supporting the proposed change of use. Within the letter she states she is willing and happy for users of the proposed fish and chip shop to use the car park at the rear of the pub free of charge. Whilst there is no legal agreement in place for this use, the applicant intends to advertise this free parking facility in the shop window should the proposed application be successful.

## 5.3 Response to Neighbour Objections

5.3.1 Many neighbour objections have been raised concerning this application relating to: potential problems stemming from anti-social behaviour, highway issues, parking problems, litter, footfall, smells and noise, pedestrian safety, access issues and a perceived detrimental effect upon the area. Having fully assessed the application and taking account of comments received from objectors and consultees, it is considered that the overall impact of the proposed change of use will have a limited effect upon the area.

5.3.2 The applicants have taken into account the concerns of neighbours and have consulted with the Council's Environmental Health service to ensure the correct equipment is installed to control smells and odours. The applicants have also confirmed they will employ the services of a local pest control company and a waste management company to ensure these potential issues are prevented from occurring to the best of their ability. Any oil waste is to be collected by the potential oil supplier.

5.3.3 The proposed take away business is an acceptable type of business for a neighbourhood centre and there is not considered to be a valid or material planning reason to refuse planning permission for the proposed development.

## 6.0 Conclusion

6.1 Having fully assessed the proposal to change the use from A1 to A3 use and taking into consideration comments received from consultees, objectors and supporters it is considered that the proposal is acceptable. The proposal is not considered to unacceptably harm the character or amenity of the existing area. As outlined above it is not considered the development would have an unacceptable impact on highway safety.



6.2 The proposed change of use is considered to be in accordance with LDP policies CRF1 and RET3. The proposal will re-use an existing retail building and provide additional employment opportunities to the community and it would enhance the vitality and viability of the area. The proposed change of use is considered to be in accordance with the relevant policies within the LDP: - S8, S13, S17, DES1 EP1, CRF1 and RET3.

## **7.0 RECOMMENDATION: APPROVE**

### **7.1 Conditions:**

- Standard Five Year Limit in which to commence development.
- Development To Be Carried Out In Accordance With The Approved Plans
- Hours of opening of the use, hereby approved, shall only take place between 11am and 9.30pm Mondays – Saturdays. There shall be no opening of the approved use on Sundays.
- Odour from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing, de-odorising filters and extract fan as submitted in the application, or otherwise in accordance with alternative proposals submitted and approved by the Local Planning Authority prior to the use commencing.
- **The food preparation extraction equipment shall be regularly maintained in order to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning authority.**
- **No surface water from any increase in the roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**
- Prior to the use commencing a grease trap shall be fitted in the drainage system for the property and maintained thereafter so as to prevent grease entering the public sewerage system.

### **Informative:**

In view of the adjacent residential use in the building, the development must comply with Building Regulations regarding sound insulation between the different uses.

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**DC/2017/00808**

**PROPOSED TEMPORARY SPORTS BUILDING, CHANGING UNITS AND TOILET BLOCK LOCATED ON EXISTING HARD STANDING TENNIS COURTS FOR USE BY LOCAL COMPREHENSIVE SCHOOL, WHILE UNDERTAKING PROPOSED WORKS TO EXISTING LEISURE CENTRE**

**MONMOUTH LEISURE CENTRE, OLD DIXTON ROAD, MONMOUTH, NP25 3DP**

**RECOMMENDATION: APPROVE**

Case Officer: Craig O'Connor

Date Registered: 01/08/2017

## **1.0 APPLICATION DETAILS**

- 1.1 Monmouth Leisure Centre is located along Old Dixton Road and shares a site with Monmouth Comprehensive School. This application seeks consent to construct a temporary sports building and associated changing units and toilet block during the re-development of the school previously given consent under DC/2015/00261. The consideration of this application should also take into account the proposals within application DC/2017/00030 which gave consent to vary the previously approved plans within DC/2015/00261 to allow for the construction of a new sports hall within the new Monmouth Comprehensive School. In the long term the sports hall within the school building would be available for the use of Monmouth Leisure Centre and for local residents of Monmouth out of school operating hours. During the construction of the new school the temporary sports hall structure that is proposed is required to provide the required facilities for the children to meet their educational needs.
- 1.2 The proposed temporary sports hall would be sited to the north-east of Monmouth Leisure Centre within the existing tennis courts. The proposed temporary structure would have a footprint of 35m x 20m and it would have a pitched roof that would be approximately 5m to the eaves and 8.4m to the ridge. The proposed structure would have painted grey steel cladding to the walls, the roof would be a twin PVC membrane white translucent material and the openings would be of aluminium construction. The application also includes the siting of temporary single storey container units at the site for changing rooms and WC facilities in association with the proposed temporary sports hall. There would be three larger containers measuring 9.75m x 3.1m and two smaller units measuring 5m x 2.7m. The siting of the sports hall is outlined on the submitted site plan Drg No P1.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2017/00196 Extend the existing building (to the south elevation) with a two storey building to house children's activity zone and external mechanical plant to the roof. The existing leisure centre is to receive a major internal refurbishment with a swimming pool and associated facilities replacing the sports hall. Existing main entrance to be relocated to east elevation with minor external works to existing car park and hard landscaping. Approved April 2017

DC/2017/00030 Alterations to the approved scheme namely: removal of swimming pool, and addition of sports hall facility. Relating to application DC/2015/00261. Concurrent application on the same agenda for determination – Recommended for approval

DC/2015/00261 Demolition of existing secondary school buildings and construction of a secondary school (D1) comprising 14,824m<sup>2</sup> (gross internal area) of floor space, principles of landscaping, car and cycle parking spaces. Approved July 2015

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### Strategic Policies

- 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

#### Local Policies

- EP1 Amenity and environmental protection
- DES1 General Design considerations
- DES2 Areas of amenity importance
- SD3 Flood risk
- NE1 Nature conservation and development
- MV1 Proposed development and highway considerations

### **4.0 REPRESENTATIONS**

#### 4.1 Consultations Replies

Monmouth Town Council – recommends approval.

MCC Highways Officer – no objection to the proposal as there is adequate car parking provision and the development will not have a detrimental impact on highway safety.

Glamorgan Gwent Archaeological Trust – providing that there are no groundworks there would be no adverse impact on historical features.

Natural Resources Wales – no objections to the proposals subject to a condition to outline that the finished floor levels are set no lower than 17.05 metres above Ordnance Datum (AOD) (Newlyn).

#### 4.2 Neighbour Notification

No objection received to date.

### **5.0 EVALUATION**

#### 5.1 Principle of development and Flood Risk

- 5.1.1 The principle of constructing a temporary sports hall is acceptable and would be in accordance with Policy S5 of the Local Development Plan (LDP) as it would ensure that this community and educational facility is provided at the site during the construction period for the new school. The site does lie within Flood Zone C1 however the scale of development would not result in any additional flood risk to any party or the wider area. The development is for a form of highly vulnerable development and development of this type is usually directed away from flood zone areas but in this case there is an existing historic use of the site for highly vulnerable forms of development

such as the school and the leisure centre and therefore this additional temporary structure is considered to be acceptable in terms of potential flood risk. The proposed development is in accordance with the justification tests in Technical Advice Note 15 as the development is necessary to sustain an existing settlement, is located on previously developed land and the potential consequences of a flooding event have been considered and can be acceptably managed. Natural Resources Wales (NRW) have reviewed the proposed development and have no objections to the construction of the structure subject to a condition outlining that the finished floor level is 17.05m AOD or above. NRW outlined that 'the buildings would be flood free and include some additional freeboard and advised that the proposal has been designed to meet A1.14 criteria and the Flood Consequence Assessment has satisfactorily assessed the risk and consequences of flooding'. The proposed temporary development would be in accordance with the requirements of TAN15 and the development would not result in an unacceptable level of flood risk for users or nearby properties. The development would be in accordance with the requirements of Policies S12 and SD3 of the LDP.

## 5.2 Visual Amenity

5.2.1 The scale and design of the temporary sports hall and ancillary structures are considered to be acceptable particularly given the temporary nature of the structures. The proposed sports hall would have a simple, functional design and it would appear as a temporary building by virtue of its materials. The proposed temporary sports hall building would be viewed to be an ancillary element of the school and it would be of an acceptable scale, form and design. The proposal is only temporary therefore the visual impact of the development would only be relatively short term but even accounting for that it is not considered that the development would have an adverse visual impact on the area as it would be viewed to be a functional building in association with the school. A condition would be added to any consent to ensure that after 12 months of the new school building coming into beneficial use the temporary facility is dismantled and removed from site. As outlined above the visual impact of the development would therefore only be for a limited amount of time whilst the new sports hall facility within the school and associated sports hall is being constructed. The proposed development would be of an acceptable standard of design that would not harm the appearance of the area in accordance with Policy DES1 of the LDP.

5.2.2 The site does lie within an area of amenity importance as outlined in LDP Policy DES2. The development would be temporary and would not have an adverse impact on the characteristics of the area which after all is part of a large school site. The development would be in accordance with the requirements of Policy DES2. The proposed materials would match the existing arrangement and would be appropriate for this type of temporary community building.

## 5.2 Residential amenity

5.2.1 The proposed temporary sports hall and associated ancillary buildings would not harm any party's privacy or private amenity space and would be in accordance with Policy DES1 of the LDP. There have been no objections to the proposals.

## 5.3 Parking and Highway Safety

5.3.1 The proposed temporary development would not result in a significant amount of additional traffic at the site and the parking provision is considered to be acceptable. The Council's Highways Officer has reviewed the proposals and has no objections to the development. The proposals would not have an impact on highway safety in the area and would be in accordance with Policy MV1 of the LDP.

## 5.5 Conclusion

5.5.1 The proposed temporary sports hall and associated ancillary structures would not have a harmful visual impact on the area. The development would be of an acceptable scale and would be of a design that respects its setting. The temporary building would enable the site to accommodate this sports facility during the construction phase of Monmouth School and would not have a harmful impact on the visual amenity of the area. The proposed development would be in accordance with the relevant policies in the LDP and is recommended for approval subject to the suggested conditions.

## 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 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 proposed development shall commence within 5 years of the date of this consent  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The hereby approved development shall commence in accordance with the approved plans only.  
Reason: For the avoidance of doubt
3. The hereby approved sports hall and associated container structures shall be dismantled and removed from site within 12 months of the school building coming into beneficial use.  
Reason: To ensure the visual impact of the development is limited and that the flood risk associated with the development is acceptable.
4. The finished floor levels are set no lower than 17.05 metres above Ordnance Datum (AOD) (Newlyn).  
Reason: To ensure flood risk is managed acceptably.

**DC/2017/00876**

## **ALTERATIONS TO GARAGE AND SHOWROOM FACADES**

**CLYTHA MOTORS, MERTHYR ROAD, LLANFOIST, NP7 9LP**

### **RECOMMENDATION: APPROVE**

Case Officer: Andrew Jones  
Date Registered: 25.07.2017

#### **1.0 APPLICATION DETAILS**

- 1.1 This application relates to a car sales garage, known as Clytha Motors, located within the centre of Llanfoist.
- 1.2 Planning permission is sought to carry out various alterations to the building which would see it in part re-faced with grey prefabricated cladding. New grey aluminium framed doors and windows would be installed. Whilst the overall height (6.3m) of the building would not be increased the existing building features an undulating parapet which would be brought up to its highest point creating a continuous frontage. The footprint of the building would not be enlarged.
- 1.3 A separate application for Advertisement Consent is required although this has not been received to date.
- 1.4 The application is presented to Planning Committee at the request of the local County Councillor, Giles Howard.

#### **2.0 RELEVANT PLANNING HISTORY**

DC/2008/00755 - Proposed signage: three fascia, one projecting and one freestanding signs. Approved 18/08/2008.

DC/2005/01122 - 1 X (Internally Illuminated) Totem Sign, 1 X Welcome Sign, 1 X Wall Sign, 3 X Non-illuminated Directional Signs. Approved 08/12/2005.

DC/2005/01120 - Upgrade The External Appearance Of The Building By The Addition Of Aluminium Cladding (Shaded Areas), And Decorative Brand Line. Approved 08/12/2005.

DC/2002/00538 - Proposed Demolition of Existing Garage Construction of a New Showroom and the Raising Of Existing Ground Levels to Extend Car Parking Area. Approved 06/07/2004.

DC/1992/00567 - Replacement Security Fence. Approved 04/11/1992.

DC/1992/00260 - Advertisement.

#### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

##### Strategic Planning Policies

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

**4.0 REPRESENTATIONS**

4.1 Consultation Replies

Llanfoist Fawr Community Council – Recommend the application is approved.

4.2 Neighbour Notification

No letters of objection have been received following the consultation exercise.

One letter of support has been received

4.3 Local Member Representations

County Councillor Giles Howard - Just to confirm and in case you want to include it within the report for committee, I completely support the principle of the development and the proposed structural changes to the fenestration; and wish the new owners well.

My concern is only in respect of the cladding. I think that if the site were located in an industrial estate or part of a cluster of similar buildings, I would not raise this as an issue.

Currently the Clytha Motors buildings are rendered or painted white and although the buildings are comparatively large for their setting, they retain a human scale and some interest via the undulating parapet. The external finishes are also not too different from the surrounding domestic properties, and include white render to Mountain View on the opposite side of the road.

I have given this some thought and considered that at other recent developments such as the Premier Inn and Aldi Store, we have required the use of natural stone or face brickwork to respect the context of their surroundings. Similarly, the flyover abutments of the A465 at Llanfoist and Gilwern incorporate natural stone.

Since this site is right in the middle of the village and the main facade would also be increased in height, I feel that it is extremely reasonable that some design effort ought to be applied to help it assimilate better. I don't mean stone or brick, but to consider some variation in cladding other than just the box profile sheeting.

I've googled other Kia dealership images and noticed that these seem to have fascias and signage across the width of their elevations, which would help to break things up and reduce the vertical emphasis. It could be for example that smooth cladding is used to introduce some variety, or that the lower half of the elevations are retained and repaired as render.

By way of further comparison I also drove through Treforest Industrial Estate today and in this setting most of the units were not just clad from head to foot in box profile sheets - even the older ones used brick.



## **5.0 EVALUATION**

### **5.1 Visual Amenity**

5.1.1 It is noted that the site is prominently located within the centre of the village along Merthyr Road, the existing rendered building which features an undulating parapet along the main façade fronting the road is not of particular architectural merit and is rather tired in appearance. The surrounding village features predominantly residential properties from a variety of periods; a wide pallet of external finishes is employed including stone, timber cladding, render and brick. The application site is immediately flanked by an adjoining car sales garage, which combined occupy a sizeable area and contrasts entirely with the surrounding residential environment. As such the site inevitably jars to a degree with its context. The changes to the building would significantly alter its appearance but it is not considered that this would be to the detriment of the surrounding village. The overall height of the building would not be increased and it is considered that the use of light grey cladding is typical of modern car sales showrooms such as this. It is not considered that the changes would cause such harm to the visual amenity of the village so as to warrant refusal under Policy DES1 of the Monmouthshire Local Development Plan (LDP). It is however reasonable to condition that a sample of the cladding is provided and agreed via planning condition to ensure a satisfactory form of development.

### **5.2 Residential Amenity**

5.2.1 No issues of this type are anticipated. The overall height of the building would not be increased and therefore it is not considered that this would impact on the nearest residential properties on the opposite side of Merthyr Road. As noted previously the floor area of the building would not increase and therefore it is not considered that the intensity of the use at the site would rise.

### **5.3 Response to Consultation Responses**

5.3.1 Although no objections have been received from either local residents or the Community Council, the Ward Member has (as detailed in Section 4.3) raised concerns about the appearance of the proposal and its relationship with the surrounding environment. The visual impact has already been addressed in Section 5.1 of this report which also confirms the use of a condition to agree a sample. Councillor Howard also notes that on other similar garages the use of advertisements can break up the building; a separate application for Advertisement Consent is to be submitted shortly.

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

5.4.1 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	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.
	<b>Pre-commencement conditions</b>
3.	<p>Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.</p> <p>Reason: To ensure a satisfactory form of development takes place.</p>

DC/2017/00898

**TO ERECT A STEEL FRAME LEAN TO, JOINING ONTO THE SIDE OF AN EXISTING BUILDING; 18.3M LONG X 6.1 M WIDE X 3M TO LOWEST AND 4.2M TO HIGHEST, TO BE USED AS A HAY BARN/IMPLEMENT SHED**

**RED HOUSE FARM, WHITEHILL LANE, ROCKFIELD, MONMOUTH NP25 5NH**

**RECOMMENDATION: Approve**

Case Officer: Jo Draper

Date Registered: 07/08/2017

## **1.0 APPLICATION DETAILS**

1.1 Red House Farm is located within the Rockfield area of Monmouthshire. The farm is relatively isolated in the open countryside although it can be seen from the B4233. The application is to construct a lean to extension on the north elevation of the existing agricultural building at the site. The proposed lean-to structure would have a footprint that would measure 18.3m x 6.1m and it would measure approximately 4.2m high where it would be attached to the existing building. The proposed materials used to construct the building would include Profile 6 Fibre Cement Natural Grey for the roof and Polyester Coated Box Profile - 18-B-29 Slate Blue for the walls. The application is presented to Planning Committee for determination as the applicant is related to a Member of the Planning Committee.

## **2.0 RELEVANT PLANNING HISTORY**

No relevant planning history

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S10 Rural enterprise  
S13 Landscape and Natural Environment  
S17 Place making and design

### Development Management Policies

EP1 General Development Considerations  
DES1 General Design Considerations  
LC1 New build development in the open countryside  
LC5 Protection and enhancement of landscape character  
RE4 Agricultural and Forestry Buildings

## **4.0 REPRESENTATIONS**

### 4.1 Consultations Replies

Llangattock-Vibon-Avel Community Council – No response to date

### 4.2 Neighbour Notification

No objection received

#### 4.3 Other Representations

None

#### 4.4 Local Member Representations

None

### 5.0 **EVALUATION**

#### 5.1 Visual impact

5.1.1 The proposed structure is considered to be reasonable required for agricultural purposes in accordance with Policy RE4 of the Local Development Plan (LDP). The visual impact of the proposed extension to the existing agricultural building is acceptable. The building would be attached to an existing farm building and would form part of the existing farmstead. The lean-to structure would be large but it would be of a similar scale to the existing agricultural building at the site. The proposed structure would be of an appropriate form and design and would be of an acceptable size. It would not appear alien to the rural landscape as buildings of this type are characteristic of the rural landscape. The resultant structure would be utilitarian and be typical of an agricultural farmstead. The farmstead is viewable from both Whitehill Lane and the B4233 however the development would not be visually intrusive. The structure would be contained from view within the existing farmstead grouped with existing buildings, its visual impact on the area would be limited. The large agricultural building would respect the existing form, scale, siting, massing, materials and layout of its setting and would be in accordance with policies, DES1, EP1 and LC5 of the LDP.

#### 5.2 Residential amenity

5.2.1 The site is relatively isolated and the proposed agricultural building is not considered to harm any other party's residential amenity. There have been no objections to the proposals. The development would be in accordance with Policy EP1 of the LDP.

#### 5.3 Conclusion

5.3.1 The proposed lean-to extension to the existing agricultural building would be an appropriate form of development for the existing farmstead. The building would be grouped within the existing buildings and would have a limited visual impact on the area. It would be a utilitarian agricultural building that is characteristic of the rural landscape and be in accordance with the relevant policies in the Local Development Plan.

#### 5.4 Well-Being of Future Generations (Wales) Act 2015

5.4.1 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. This development shall be begun within 5 years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.  
Reason: For the avoidance of doubt as to the approved plans.

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/08/17

gan **Joanne Burston BSc MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

Dyddiad: 21.08.2017

## Appeal Decision

Site visit made on 01/08/17

by **Joanne Burston BSc MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

Date: 21.08.2017

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**Appeal Ref: APP/E6840/A/17/3175726**

**Site address: The Stables, Land off Treherbert Road, Croesyceiliog Cwmbran**

**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 A Thomas against the decision of Monmouthshire County Council.
  - The application Ref DC/2016/00593, dated 14 May 2016, was refused by notice dated 16 November 2016.
  - The development proposed is the conversion of stables to holiday let.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. 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.

### Main Issues

3. The main issue in this appeal is whether the proposed development accords with development plan policies on tourist accommodation in the countryside and the conversion of rural buildings, with particular regard to the effect of the proposed development on the character of the rural landscape.

### Reasons

4. The appeal site is in the countryside well beyond the boundaries of any built-up area. The stables which are proposed for conversion to holiday accommodation is a building of modern construction and appearance. It forms part of a small complex of buildings that also include what appear to be further stables and a storage building.
  5. It is served off a private access drive from Treherbert Road, some 6km outside Cwmbran town centre. Its setting is characterised predominantly by fields in agricultural use, a verdant landscape and sporadic built form.
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6. Monmouthshire Local Development Plan 2014 (LDP) Policies T2 and H4 have been brought to my attention. It is clear that the Council has a permissive approach to the conversion of farm buildings in the countryside to provide small-scale visitor accommodation. This proposal is for the conversion of a farm building and small scale visitor accommodation would be provided. However, there are some relevant qualifications to the Policies. First, that the conversion of buildings of a modern construction and materials will be permitted where the building is not of an incongruous appearance, and that the building has been used for its intended purpose for a significant period of time. Furthermore, LDP Policy LC5 states, amongst other matters, that development will be permitted provided that it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape, in particular by introducing or intensifying a use which is incompatible with its location.
7. I acknowledge that efforts have been made to work with the existing characteristics of the site. In this respect, although glimpsed local views would be possible, the surrounding natural screening and modest size of the building would ensure that the proposal would not be readily visible in the wider landscape. Nevertheless, even though I do not envisage that the proposal would have a significant visual impact within the wider area, it would, nonetheless have a significant effect on landscape character. At present, the existing site is low key and has very little impact in this regard displaying a very unassuming and tranquil character.
8. Against this context, the appeal proposal would introduce changes to the built form, giving the building a more domestic appearance, alongside the associated general activity, lighting, noise and the movement and parking of vehicles at a level commensurate with the holiday unit. Whilst I agree that the requirement for domestic paraphernalia would not be to the same extent as that for a permanent dwelling house, it is likely that personal property would be kept on site for the duration of the occupancy as well as the unit being equipped with outdoor furniture, refuse facilities etc. Moreover, in terms of appearance, having regard to its domestic scale and arrangement of windows and doors, it would be more akin to a suburban bungalow, thus incongruous in this countryside setting.
9. I acknowledge the letters provided by the appellant regarding the use of the stables. However on the basis of the evidence before me I am unable to establish if the stables have been used for their intended purpose for a significant period of time as required by LDP Policies H4 and T2.
10. I have been referred to several other developments locally, said to be made in similar circumstances. However I do not have the full details of the circumstances that led to these proposals being accepted and so cannot be sure they represent a direct parallel to the appeal proposal. In any case I have determined the appeal on its own merits.
11. The appeal proposal would therefore significantly intensify the use of the site and escalate its current almost neutral effect to being harmful to the rural landscape character, contrary to LDP Policies T2, H4 and LC5.

## **Conclusion**

12. In conclusion, I find no other considerations of sufficient weight to overcome the significant and harmful impact of the development. I therefore determine that the appeal should be dismissed.

*Joanne Burston* INSPECTOR