

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 29 January 2018

Notice of meeting:

## Planning Committee

Tuesday, 6th February, 2018 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 - 6
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise.	
4.1.	APPLICATION DC/2008/00723 - CONVERSION OF PRE-1700 BUILDING INTO 19 APARTMENTS, DEMOLITION OF POST 1900 STRUCTURES AND BUILDING OF 31 NEW APARTMENTS AND GATEHOUSE. TROY HOUSE, MITCHELL TROY, MONMOUTH, NP25 4HX.	7 - 28
4.2.	APPLICATION DC/2015/00936 - WIDENING OF EXISTING TRACK FOR AGRICULTURAL USE. LAND AT CARROW HILL FARM, CARROW HILL, NP26 3AU.	29 - 34
4.3.	APPLICATION DC/2017/01116 - EXTENSION AND ALTERATIONS TO HALL WITH ASSOCIATED WORKS. CHEPSTOW DRILL HALL, LOWER CHURCH STREET, CHEPSTOW, NP16 5HJ.	35 - 46
4.4.	APPLICATION DC/2017/01336 - PROPOSED DEVELOPMENT OF 2 no. FOUR BEDROOM DETACHED HOUSES WITH ONE GARDEN STUDIO. PEN-Y-BRYN, OAKFIELD ROAD, MONMOUTH NP25 3JJ.	47 - 52
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Appeal Decision - Upper Llananant Farm Penallt.	53 - 56

**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  
Vacancy (Independent Group)

### Public Information

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

#### **Access to paper copies of agendas and reports**

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#### **Watch this meeting online**

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#### **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)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2)  
Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017

#### 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 by a favourable conservation status in their natural range.

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

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

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

A number of sustainable development principles are also set out:

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

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

## Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its

area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

#### Equality Act 2010

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

#### Children and Families (Wales) Measure

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

## **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 The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th  
January, 2018 at 2.00 pm

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

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

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillors D. Dovey and P. Murphy

County Councillor J. Becker left the meeting during consideration of Minute 10 -  
Development Management Enhanced Services Proposals and did not return.

#### **1. Declarations of Interest**

There were no declarations of interest made by Members.

#### **2. Confirmation of Minutes**

The minutes of the Planning Committee meeting dated 5<sup>th</sup> December 2017 were  
confirmed and signed by the Chair.

#### **3. APPLICATION DC/2015/01587 - DEED OF VARIATION OF S106 AGREEMENT IN RELATION TO DEMOLITION OF EXISTING BUILDINGS, AND RE- DEVELOPMENT OF THE SITE TO PROVIDE 51 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED WORKS. COED GLAS, COED GLAS LANE, ABERGAVENNY**

We considered the report of the application in which it was recommended that a deed of  
variation to the Section 106 Agreement be signed, reducing the Section 106  
contributions from 35% affordable housing to 33%, and reducing the leisure  
contributions from £179,273 to nil. Viability information was provided on an open book  
basis and independently considered by the District Valuation Service.

The application had been reported to Planning Committee on 3<sup>rd</sup> May 2016, and a  
resolution had been made to grant planning permission subject to a Section 106  
Agreement. That agreement has since been signed and the planning permission  
issued. The site has been cleared but construction has not yet commenced beyond, it  
is understood, the footings for one garage.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th January, 2018 at 2.00 pm

The development would be undertaken by Now Your Home, an arm of Melin Homes and a new venture. The addition of another housebuilder to bring sites forward was welcomed.

The local Member for Castle Ward, also a Planning Committee Member expressed her support for the application. She acknowledged that one of the affordable homes would be lost. However, approval of the application would provide 17 much needed affordable homes within the area.

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

- To make the scheme viable it will be necessary to lose one of the affordable houses and the Section 106 funding.
- In response to a question raised, there will be no sprinkler systems installed within the proposed dwellings.

It was proposed by County Councillor M. Powell and seconded by County Councillor R. Harris that application DC/2015/01587 be approved in which a deed of variation to the Section 106 Agreement be signed, reducing the Section 106 contributions from 35% affordable housing to 33%, and reducing the leisure contributions from £179,273 to nil.

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

In favour of the proposal	-	13
Against the proposal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01587 be approved in which a deed of variation to the Section 106 Agreement be signed, reducing the Section 106 contributions from 35% affordable housing to 33%, and reducing the leisure contributions from £179,273 to nil.

#### **4. APPLICATION DC/2016/00537 - REMOVAL OF CONDITIONS 10, 11 AND 12 (RESTRICTION TO HOLIDAY LET) OF PLANNING PERMISSION DC/2014/00441. HAZEL AND OAK COTTAGES, WERNDDU FARM, ROSS ROAD, LLANTILIO PERTHOLEY, ABERGAVENNY**

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

This application had previously been presented to Planning Committee in July 2017 with a recommendation for approval. However, the Committee did not accept this recommendation due to lack of evidence that the units had been adequately marketed as holiday lets prior to the submission of this application.



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th January, 2018 at 2.00 pm

In noting the detail of the application, Members reluctantly supported the application, as approval would provide two much needed affordable homes within the area. There already exists significant holiday accommodation within the area.

The Development Services Manager stated that an additional condition could be added to the application to remove permitted development rights for means of enclosure at the properties.

Having considered the report of the application and the views expressed, it was proposed by County Councillor R. Harris and seconded by County Councillor M. Powell, that application DC/2016/00537 be approved subject to the two conditions, as outlined in the report and subject to an additional condition to remove permitted development rights for means of enclosure at the properties.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2016/00537 be approved subject to the two conditions, as outlined in the report and subject to an additional condition to remove permitted development rights for means of enclosure at the properties.

#### **5. APPLICATION DC/2017/00651 - ERECTION OF A TWO-STOREY ANNEXE. 40A MAIN ROAD, PORTSKEWETT**

We considered the report of the application which was presented with one reason for refusal, as outlined in the report.

The application had previously been presented to Planning Committee on 7<sup>th</sup> November 2017 with a recommendation for approval and following some decorative design alterations was re-presented to the Committee on the 5<sup>th</sup> December 2017 with the same recommendation for approval. Following the design amendments, The Committee had still considered that the design was incongruous in respect of the existing parent dwelling within the site and detracted from the character and appearance of the existing dwelling and the surrounding area, contrary to DES1 c) of the Monmouthshire Local Development Plan. The orientation of the roof was at odds with the main dwelling and its detachment from the main house via a link appeared visually weak. It was considered that an alternative design re-configuring the roof to reflect that of the main house with dormers in the roof and a lower roof height would ensure the proposed annexe was more visually sympathetic to the house. Attaching the annexe to the house would also make the overall design more coherent. The Planning Committee had resolved that the application should be refused on design grounds and the application should be re-presented to Committee with a reason for refusal.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th January, 2018 at 2.00 pm

Having considered the report of the application, it was proposed by County Councillor P. Clarke and seconded by County Councillor D. Evans that application DC/2017/00651 be refused for the reason as outlined in the report.

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

For refusal	-	13
Against refusal	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2017/00651 be refused for the reason as outlined in the report.

#### **6. Appeal decision - Land opposite Llancayo House**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 7<sup>th</sup> June 2017. Site: Llancayo House, Llancayo, Usk.

**Appeal A: APP/E6840/C/17/3169691 - Site address: Land opposite Llancayo House, Llancayo, Usk.**

Decision:

The appeal is allowed in respect of ground (g) only, but otherwise dismissed. The Enforcement Notice be corrected and varied by:

- The addition of the words “sheds”, “septic tank” and “generator” to Requirement (ii) of Schedule 4 so that it reads as follows “Remove all associated vehicles, sheds, septic tank, generator, gas containers and other extraneous materials from this site’.
- The re-wording of Requirement (iii) of Schedule 4 from “Remove the hardstanding completely from the land” to “Remove completely from the land the hardstanding to yard area currently occupied by caravans”.
- The deletion of the words “Time for compliance: 2 calendar months from the date this Notice takes effect” and their replacement with the words “Time for compliance: 12 calendar months from the date this Notice takes effect”.

Subject to these variations the Enforcement Notice is upheld.

## MONMOUTHSHIRE COUNTY COUNCIL

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**Appeal B: APP/E6840/A/17/3169689 - Site address: New Stables, Abergavenny Road, Llancayo, Usk, Monmouthshire NP15 1JF.**

Decision|:

The appeal is dismissed.

### **7. Appeal decision - Sumach House, Newbridge on Usk**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on the 22<sup>nd</sup> November 2017. Site: Sumach House, Newbridge Lane, Newbridge on Usk.

We noted that the appeal is allowed and planning permission is granted for a timber frame single storey garage and summer room at Sumach House, Newbridge Lane, Newbridge on Usk, Monmouthshire, NP15 1LY in accordance with the terms of the application, Ref DC/2017/00697, dated 25<sup>th</sup> September 2016 subject to the following conditions:

- 1) The development shall begin no later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: Location Plan 1:2500, Site Plan 1:500, Plan Layout 1:50, North Elevation, South Elevation, West Elevation.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### **8. Appeal decision - Wyndcliffe Court, St Arvans**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on the 22<sup>nd</sup> November 2017. Site: Wyndcliffe Court, Penterry Lane, St Arvans.

We noted that the appeal had been dismissed.

County Councillor A. Webb expressed her thanks for the considerable work undertaken by the Heritage team.

### **9. New appeals received - 27th October to 20th December 2017**

We noted the new appeals received between 27<sup>th</sup> October and 20<sup>th</sup> December 2017.

In doing so, it was noted that the address for application DC/2017/00524 - Llan y Nant Farm, Trellech Grange, NP16 6QN, might require amending.

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
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### **10. Development Management Enhanced Services Proposals**

We received a report by the Head of Planning, Housing and Place Shaping regarding a proposal to establish additional fast-track and fee-earning services, for an enhanced level of customer service for additional development management services. Cabinet Member authorisation will be sought for these services but they will be rolled out as and when officer resources allow and customer demand is identified.

Having received the report, the following points were noted:

- Concern was expressed that a two tier service might be provided.
- Applicants will not be disadvantaged.
- The level of fees are a fraction of what is being spent on the developments.
- The statutory fee is explicit in the regulations.
- The priority is about focussing on achieving the outcome of the application.
- Success of the proposal, if approved, will be reported as a part of the Annual Performance report.

We resolved:

To endorse the following proposals, for subsequent consideration and authorisation by the Cabinet Member for Enterprise:

- The introduction of additional fast track services and associated future fee increases as set out in the report and in Appendix A from 1st March 2018.
- The introduction of new fee income services involving charging for fast track discharge of conditions for listed building consent and planning applications.
- To authorise the Head of Planning, Housing and Place-Shaping to agree Planning Performance Agreements where suitable.

**The meeting ended at 3.17 pm.**

**DC/2008/00723**

**CONVERSION OF PRE-1700 BUILDING INTO 19 APARTMENTS, DEMOLITION OF POST 1900 STRUCTURES AND BUILDING OF 31 NEW APARTMENTS AND GATEHOUSE**

**TROY HOUSE, MITCHELL TROY, MONMOUTH, NP25 4HX**

**RECOMMENDATION: APPROVE**

Case Officer: Craig O'Connor

Date Registered: 12/12/2008

**1.0 APPLICATION DETAILS**

- 1.1 Troy House is a largely 17<sup>th</sup> Century grade II\* listed building that is located to the south east of Monmouth in the open countryside. It is a large traditional house that has four levels. The house has been altered over time and there has been a succession of additional buildings erected at the site as a result of the building having several different uses. The building is now in disrepair and the significant heritage asset is deteriorating. The site is sensitively located within an Historic Park and Garden and within the Wye Valley Area of Outstanding Natural Beauty. It is a particularly sensitive site given the heritage importance of the site and various other constraints including archaeology, mature trees that are subject to tree preservation orders, a significant bat population and the site lies within flood zone C2 (undefended flood plain). The site was last used as a school, although a small part of the building is currently occupied as a residential unit for site security purposes.
- 1.2 The proposals are to convert Troy House for residential use to form luxury apartments. The application also includes enabling new build development in the form of two wings to the east and west of Troy House. Troy House would be converted into 19 apartments and there would be 31 new apartments in the new build elements of the proposals. The east wing would have a footprint measuring approximately 550m<sup>2</sup> and the west wing would have a footprint measuring approximately 722m<sup>2</sup>. The new build wings would have two sections, one of three storeys high and the other would be four storeys high. At their highest points the wings would measure approximately 12.6m high. The application also includes the construction of a gatehouse (dwelling) with associated outbuilding at the entrance to Troy House. The proposed materials would aim to match the existing arrangement and would include natural slate for the roof, render for the external walls and timber for the openings. The proposals also include the creation of parking areas, vehicle access improvements and landscaping at the site. The submitted plans outline the details of the submission and there is a concurrent application for Listed Building Consent for the proposals (DC/2008/00724).
- 1.3 The application was previously presented to the Committee on June 6 June 2017 with the recommendation to refuse the application as officers were still awaiting key information to inform a positive recommendation in relation to the proposals. The Planning Committee resolved to allow an additional period of time to allow the submission of this essential information. The applicant has now submitted this information for consideration, which has been subject to consultation, and officers now re-present the application with a recommendation to approve the application. The application is therefore considered as a departure to the adopted Local Development Plan.

## 2.0 RELEVANT PLANNING HISTORY

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

## 3.0 NATIONAL PLANNING POLICY

Planning Policy Wales Chapter 6, Edition 9, and Paragraph 6.5.11 states that with regards to listed buildings, *'There should be a general presumption in favour of the preservation of a listed building and its setting, which might extend beyond its curtilage.'*

TAN5 offers advice on development and nature conservation.

TAN15 *Development and Flood Risk* provides guidance on new development in areas at risk of flooding. It states that highly vulnerable development (such as residential) should not be approved in undefended flood plain (Zone C2).

TAN24 offers guidance on development affecting the historic environment.

## 4.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

- S2 Housing provision
- S4 Affordable housing provision
- S12 Efficient resource use and flood risk
- S13 Landscape, Green Infrastructure and the natural environment
- S16 Transport
- S17 Place making and design

### Development Management Policies

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

## 5.0 REPRESENTATIONS

### 5.1 Consultations Replies

Mitchel Troy Community Council – Recommend that the application be refused. The Council has grave concerns about the safety of the proposed access onto the highway. Given the likely number of vehicle movements significant improvements would be required to provide safety for vehicles turning right into and out of the site; perhaps a new access could be constructed onto the Toll House junction with improvements to that junction or a new access onto the B4293 between Troy Bridge and the Toll House. Until these issues can be resolved the recommendation is to refuse the application.

Monmouth Town Council – Recommended Refusal. Members were supportive of the application in principle however raised concerns with highway safety in terms of increased traffic on the lane and an unsafe access onto the main road.

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

In terms of ecology; based on the information submitted to us on 19 December 2017 we are now able to remove our objection on European Protected Species (bats) grounds. We have reviewed the bat mitigation strategy and drawings and the revised mitigation measures set out therein. We now consider that the application provides an adequate basis upon which to make an assessment of the likely impact of the proposals. There are a number of aspects of the strategy which we would wish to develop further when a European Protected Species licence application is submitted to us. However, these do not impair our ability to comment at this stage. We welcome the alterations made to the access point and vertical flight space in the eastern wing of the existing building. We further welcome the clarification of various other aspects of the mitigation shown on the drawings. Therefore, should your authority be minded to consent the proposals, we advise that suitable conditions and/or planning obligations are attached to the permission

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

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

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

Glamorgan Gwent Archaeological Trust – It is recommended that an archaeological evaluation of the site is conducted prior to the determination of the application; therefore there is a recommendation to defer the application until this information is submitted.

MCC Highways Officer – Having considered all aspects of the proposed development there are concerns over the validity of the speed analysis on the B4293 and the use of Manual for Streets for the determination of the stopping sight distances from the existing junction. However, the Highway Authority acknowledges the site's extant permitted use as a school which takes precedence in this particular case. Comparing the proposed development with the site's school use, the traffic associated with the proposed development will not exceed that generated under its extant use, and therefore will not have a significant impact on the local highway network. Based on

these reasons there are no highway grounds to sustain an objection to the application subject to the suggested conditions being applied to any grant of planning approval.

MCC Tree Officer – No objection to the positive determination of the application subject to the trees being protected in accordance with the submitted plans.

MCC Heritage – The principle of the conversion of the building is considered to have sufficient justification. The highly graded building, with significant important historic fabric, is progressively deteriorating which will, if no action is taken, result in the permanent detrimental loss of historic fabric which is irreplaceable. The proposal to convert the building into flats from a heritage perspective, is a suitable use.

MCC Biodiversity Officer -. In light of the final submission of mitigation measures at the site I would offer no adverse comments to the application subject to the suggested conditions and informatives.

MCC Public Rights of Way Officer - The applicant's attention should be drawn to Public Footpath No. 282, Monmouth and Public Footpath No. 242 Mitchel Troy which run adjacent to the site of the proposed development and over its access road. Public Path Nos. 282 and 242 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 Rights of Way taking place.

MCC Emergency Planning Manager - The Flood Consequence Assessment identifies potential escapes routes and that the development will install signage identifying such routes and emergency egress points. The development will be signed up to the NRW warning scheme and future occupiers will be aware of the flood risk and consequences. The escape routes will also be maintained and operational with no obstructions at all times. It is encouraging to see that such considerations are being made – however I would encourage the development of a more formal 'Flood Evacuation Plan' for the proposed development as a whole – clarifying how activation of the plan would be implemented, how 'ownership' of such a plan would be endorsed by potential 'apartment' owners and ensuring that potential owners will subscribe themselves to the NRW warning scheme on 'ownership' of an apartment. It would be beneficial to see a more formal plan identifying more specific evacuation arrangements – which I appreciate may be difficult at this stage of the application – but which could be consolidated as the development progresses. The development category, as I understand, is regarded as a 'Highly Vulnerable Development' – and thus the company by submitting the planning application accepts the risk. Potential purchasers of the apartments should clearly be made aware of the risk and understand that the facility may be susceptible to flooding, is located in a flood plain and be made aware of this prior to purchase and collectively support a clear flood evacuation plan upon purchase of an apartment.

## 5.2 Neighbour Notification

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

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



- Concerns regarding highway safety and the proposed junctions
- Significant increase in traffic movements
- Concerns over the rights of way on the access track as it has been outlined that the applicant is not in ownership of some of the land
- Concerns over the validity of the transport statement and the reference to the site being used for a school as it clearly is not at the present time. Traffic behaviour 25 years ago is not reflective of today's movements
- The submitted plans do not show accurately the correct location of passing bays and in some instances in different ownership.
- Current track is used for cattle and farming
- Concerns over the validity of the CgMs Archaeological Desk-based Assessment which shows a lack of understanding of the site
- Concerns over the validity of the information that has been submitted in relation to access including concerns over the clarkbon Highway Safety record and erroneous findings in the trip generation comparison
- Detrimental impact on Troy Farm - The proposal would significantly increase the amount of traffic utilising this narrow track, both increasing the risk of accidents or incidents with livestock but more importantly impacting detrimentally on the economic viability of the farm enterprise to operate efficiently or effectively between fields, the main cluster of farm buildings and Troy Farm
- Impact on the listed building and its historic setting as the amount of additional work is substantial
- The previous officer report did not reflect the age of the building much of which predates the seventeenth century (Medieval, Tudor and Jacobean times).
- There is dismay that a repair notice has not yet been served given the poor condition of the decorative plaster ceilings in the main building.
- Although accepting in outline the exterior appearance of the two new suggested pavilions, one to be added to each side of the historic house, there are significant reservations about other aspects of the planning application. For example, research confirms Cadw's concerns about the impact of the development on the historic garden setting. This is particularly true for the areas immediately east and north-east of the house. It is argued that these areas were given over to extensive formal gardens from at least the early seventeenth century, and the area north-east of the house extending to the Trothy was shaped as a water parterre from at least 1612; significant amounts of the terracing associated with this water parterre have survived and would be affected by the proposed development.

### 5.3 Other Representations

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

## 6.0 **EVALUATION**

### 6.1 History of the application

- 6.1.1 The existing application was received by the Local Planning Authority on 12/06/2008, was registered on 12/12/2008 and is currently undetermined. The application has not progressed for many years as it was awaiting additional information to inform a decision. Over the last 30 months discussions have been held with the applicant to try and progress the application and achieve a successful conclusion to allow development at the site. The listed building is deteriorating and therefore bringing it back into beneficial use is of fundamental importance and a material planning

consideration regarding this application. The Council is seeking to support enabling development at the site and preserve this heritage asset to ensure that it does not fall into complete disrepair. To assist in advancing the application the Council commissioned an ecological survey of the building and site to inform a potential decision and also to potentially allow the Council to undertake essential works to the listed building if required.

## 6.2 Principle of development and viability of scheme

6.2.1 The application is being considered as a departure from the adopted Monmouthshire Local Development Plan (LDP) as it proposes new built development in the open countryside and is contrary to planning policies in relation to flooding. The proposed new build development is in the form of two proposed wings either side of Troy House and the gatehouse. The proposed new build development is contrary to the strategy in the LDP which generally only allows new residential development within development boundaries outlined within Policy S1 of the LDP. New build residential development in the open countryside is also contrary to national planning policy unless for a small number of exemptions such as agricultural workers, none of which apply in this instance. However for this particular scheme the enabling development is required to fund the construction work required to restore the large grade II\* listed building and effectively preserve the heritage asset. The viability of the overall scheme has been carefully considered and the enabling development is fundamental to ensuring that the renovation of Troy House can occur. The enabling development is fundamentally required in order to provide the finance to convert the listed building which is at risk.

6.2.2 Given that the viability of the scheme is particularly constrained the Council will not be seeking the provision of any S106 monies for the development or any affordable housing provision either on or off site. The main objective of this development is to ensure the long term preservation of Troy House. The lack of any development at the site would result in the heritage asset falling further into disrepair and the heritage asset being lost for future generations. The introduction of new build enabling development to achieve this objective at this particular site is therefore acceptable. The enabling development proposed is the minimum necessary to secure the restoration of the Listed Building.

## 6.3 Flooding

6.3.1 The proposed residential development is categorised as a form of 'highly vulnerable development' within Technical Advice Note (TAN) 15 - Development and Flood Risk, and the site lies entirely within flood zone C2 (unprotected flood plain). TAN15 clearly outlines that highly vulnerable forms of development such as residential development should not be permitted in flood zone C2 areas. The history of the site is a material planning consideration when reviewing planning applications and the last historic use of the site was as a school. This type of use is also a highly vulnerable use and therefore the site already has been used to accommodate a vulnerable form of development for an extensive period. The current application proposes to convert the listed building and also proposes new residential development to generate funds to repair the building. The principle of the development would normally be unacceptable as it would conflict with the requirements of TAN15 - highly vulnerable development should be located in flood free areas. However given that the proposal would preserve the highly graded heritage asset and given that the site has accommodated a highly vulnerable form of development historically, it is considered that the proposals could be supported subject to the consequences of flooding being fully considered and found to be acceptable. Section 6 of TAN15 outlines justification tests that highly vulnerable development needs to meet in order to be considered acceptable. Although normally

these tests would not be applied to highly vulnerable development it is considered prudent to address the justification tests as part of this application. The proposed development would be part of a key regenerative initiative/scheme to restore and renovate the dilapidated listed building which is quickly falling into disrepair. The site is considered to be previously developed land given that the site is well established and was previously used as a school. The development would predominantly be located where modern buildings are located with an element of the enabling development being located within the garden area. The proposed developments are reasonably required to ensure that the renovation of Troy House occurs and the social and heritage benefits of bringing the heritage assets into beneficial use are recognised. On balance, it is considered that the proposed development is in accordance with the justification tests that are outlined in section 6 of TAN15.

- 6.3.2 Natural Resources Wales (NRW) have provided comments on the submitted revised Flood Consequences Assessment FCA and have outlined that the FCA meets the majority of the requirements with the only outstanding issue being the following:

*“Some of the proposed finished site levels as detailed in Table 1 (under section 1:100 year event) in the FCA will not meet the requirements of A1.14 for the 1 in 100 (1%) year event plus climate change, as the whole development site, including open areas, should be flood free;”*

The finished floor levels of the listed building and the levels associated with the car parking would not meet the requirements of A1.14 of TAN15. The requirements of A1.14 refer to the 1 in 100 year event plus climate change flooding scenario (1:100cc). In this flooding scenario the FCA outlines that Troy House will have a finished floor level set at 210mm lower than the 1:100cc and therefore it will flood in those circumstances. However this finished floor level cannot be altered given that this is an existing listed building and alterations to the structure would impact on its inherent character. Therefore, on balance, this level of flooding is considered to be acceptable in this particular case. NRW also recognise this within their concluding observations of the scheme. The applicants have outlined that if this event were to occur there would be safe refuge and escape route from Troy House via the main staircase.

- 6.3.3 The new buildings will be set at 530mm above the 1:100cc and therefore will be flood free in this event scenario. The gatehouse building would flood by 20mm which is considered to be a limited amount of flooding that on balance would be acceptable given that the occupier would be fully aware of this associated risk. The parking areas would be located on land that would flood in the 1:100CC event but given the site and the constraints of the site there is not considered to be an alternative location for the parking and therefore on balance this location is considered acceptable. The proposed access would flood by 120mm in the 1:100cc event however this level of flooding would not prevent safe access and egress for emergency services. The applicants have also outlined an alternative evacuation plan and escape route out to the west that could be utilised during a flood event to ensure that the risk to life is minimised. The applicants have outlined that a management company will maintain and operate the residential accommodation and will install the relevant signage and make the occupiers aware of the escape route and procedures during a flood event. Occupiers of the site will be made fully aware of the flood risks and consequences relating to the site.
- 6.3.4 NRW have also reviewed the 1 in 1000 year extreme event and the site would flood in this event scenario. It is expected that sites would flood in such events however TAN15 outlines tolerable levels which are considered to be acceptable. The submitted FCA shows maximum flood depths for the whole development and the access to be above 600mm which is the tolerance set out in A1.15. The proposed development would not

be able to meet this; the FCA has identified an alternative 'escape route' which is shown to be flood free in the extreme 0.1% flood event. This situation would be an extreme flooding event and although the development should meet the requirements of par. A1.15, in this particular case given that there would be an alternative escape route it is considered that occupiers would be able to evacuate the site safely. The Council's Emergency Planning Manager has reviewed the proposed development and is satisfied that subject to a full and detailed evacuation plan being in place at the site and the apartment owners being made aware of the risks then the risk to life would be abated. A condition would be added to any consent to ensure a full and detailed flood evacuation plan is in place at the site and that occupiers are made aware of the flood risk associated with the site.

- 6.3.5 NRW recognises that the site has a number of sensitive constraints and that although the development does not fully meet the requirements of par. A1.14 it may be not be feasible to change the proposal significantly to meet these requirements. NRW has concluded the following:

*"On the basis that the proposal does not meet the criteria in A1.14 of TAN15 we maintain our objection at this time. However, we recognise that part of this proposal is for the change of use to an existing building. As such we appreciate that it may be unfeasible to set finished floor levels above the predicted flood level. In addition, if the developer were to design the car parks to be flood free then this is likely to impact on flood conveyance in the area potentially causing an increase in flooding elsewhere which will need to be fully assessed and appropriate mitigation proposed, if necessary."*

- 6.3.6 Officers are fully aware of the direct conflict with TAN15 that these proposals present. The principle of the residential development being located within Flood Zone C2 is contrary to TAN15. However given that the site has been used historically for a highly vulnerable form of development and more importantly given the proposals would ensure that this important heritage asset is preserved, officers are supportive of the proposals. The proposed development is considered as a departure from planning policy. If Members are minded to agree with the officer recommendation and approve the application it would have to be referred to the Wales Government to decide whether they want to call in the application for determination by the Minister, given the direct conflict with national planning policy. In reaching this conclusion, officers have been mindful of alternative proposals that might enable the restoration of this Listed Building. The only potentially viable alternative use of the site is likely to be as a hotel, but this too is a highly vulnerable use and the same policy objection would apply. The other alternative is to do nothing, but this will mean the heritage asset continues to deteriorate and its value would eventually be lost.

#### 6.4 Heritage Impact

- 6.4.1 Troy House is one of the most significant buildings in Monmouthshire, not only because of its size but also due to its architectural and historical significance. It is one of a small number of highly graded large country houses, set in its own registered garden, with a smaller walled garden to the immediate west of the house. The importance of the building therefore increases. Originally a 16<sup>th</sup> Century house, it was heavily reconstructed in 1673-99 creating the main front block that is seen today.
- 6.4.2 However the building has been vacant for some significant time and its last use as a school added some unfortunate, yet reversible changes to the building and additions to the house. The removal of these additions would be a benefit of the proposed development. The condition of the building, being vacant for some time, is as expected poor and deteriorating. Of particular concerns are the notable three 17<sup>th</sup> Century plaster

ceilings from the earlier phase of the house suffering from water damage and general structural issues and lack of maintenance together with an incomplete roof resulting in water penetration to a number of areas - for example the rear central 17<sup>th</sup> Century open well stairs.

- 6.4.3 The building is identified as 'at risk' on Monmouthshire's Building at Risk database with an elevated chance of decline. In recent years the building has been occupied in part with an on-site caretaker providing protection against vandalism and theft. Therefore there is an increased need and priority for this building to find a new and sustainable use for its future. The proposals that form a part of this application, for the conversion of the house into 19 apartments and new build, will have an impact on the internal and external significance of the building, however when balanced against the issues described above this is considered acceptable and necessary to secure a new use for the building. Therefore, in principle the proposals are considered appropriate, subject to the relevant detail and detailed consideration of the proposals. The proposed new build has been carefully considered and is sympathetic to the architectural style of the main house, following the same architectural style and historical evidence found in other similar buildings. At the point of submission a viability assessment accompanied the application which provides evidence to support the extent of the proposed enabling development. There is no evidence to suggest that conditions have improved to warrant any less enabling development than currently proposed; therefore the extent of new build is justified and is not raised as a reason for refusal.
- 6.4.4 In line with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a duty to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The proposed scheme has been amended several times to ensure that the historic fabric and character of the building is retained and on balance the proposed scheme is considered to be acceptable. Internally the plans have been amended to include the removal of apartments to the attic space in order to prevent extensive alterations which would have had an unacceptable level of loss of historic fabric. In addition the remaining layouts have been carefully considered to ensure that the key architectural features within the building have been protected and that where changes are proposed they are potentially reversible. The key changes have been fully set out and assessed as part of the concurrent listed building consent application.
- 6.4.5 In terms of the setting of the building it is considered that the removal of the modern school buildings around the house enhances its setting and so are welcomed. As discussed above, the proposed new build is required as enabling development in order to secure the restoration of the house. In addition they have been carefully designed to reflect the architectural style of the house and would be an architectural enhancement of the site rather than detracting elements. It is understood that Cadw have concerns over the impact on the Registered Garden, but it is felt that the need to restore the building outweighs the potential harm to the setting of the highly graded listed building. Objections have been received which raise concerns over the impact of the east wing and the proposed parking area to the north of the house. These relate to the loss of the terracing associated with the former water parterre and the subsequent loss of evidence of this part of the former formal gardens. Whilst these are valid concerns the garden at present has few remaining features and has been heavily eroded in its character to the point that the original features are very hard to interpret. The proposed level of enabling development has been accepted and it is considered that if the east wing was to be located elsewhere on site this would have a greater detrimental impact on the setting of the building upsetting the balance of the designed wings. The proposed site plan shows a formal garden to be re-created to the east of the new build, therefore providing opportunity for some recreation of the former garden

layout. The exact details of this can be conditioned as part of the application. In relation to the impact of the parking area, this is addressed in paragraph 6.5.4 below. Therefore overall, following negotiations, it is considered that there is an acceptable level of impact to the special character of the listed building and its overall character and setting would not be unacceptably compromised.

## 6.5 Visual impact and wider landscape impact

- 6.5.1 The proposed redevelopment of the site is considered to have an acceptable visual impact and would be acceptable. As outlined above (Section 6.4) the proposed alterations to the listed building are considered to be acceptable. The Council's Heritage Manager is satisfied that the internal and external alterations are sympathetic to the character and appearance of the building and would not have an adverse impact on the building. The development would ensure that the building is brought back into beneficial use and ensure that it is preserved in the long term. The proposed two new additional wings that would be located to the east and west of Troy House would have an acceptable impact on the setting of the listed building and respect the setting and architectural and historic importance of the listed building and gardens. The design and form of the new build development would be subordinate, secondary elements within the overall scheme and would ensure that Troy House is the dominant feature of the resultant development. The traditional design of the new build development would be sympathetic to the design to the house and would result in the development being symmetrical and balanced. The proposed materials would be of a high standard with natural slates roofs, rendered exterior walls and timber and metal openings. The proposed materials would be appropriate for the site and would result in a high standard of design.
- 6.5.2 Cadw has outlined in its comments and states that "the submitted scheme of balancing "wings" to a retained and restored mansion is architecturally justifiable. The execution of such a scheme of extension would not affect or destroy any significant historic built fabric. The proposals would be entirely reversible – the "wings" could at a future date be demolished, leaving the house intact." Therefore the proposed approach to the new build development is considered to be acceptable.
- 6.5.3 The proposed development including the conversion of Troy House and the new build development would be of an acceptable form, scale and design that respects the setting of the highly graded listed building and the historic character and appearance of its setting and would be in accordance with the criteria within Policy DES1 of the LDP.
- 6.5.4 The site lies within the historic park and gardens associated with Troy House and both Cadw and NRW have raised concerns in terms of the impact of the proposal on the registered garden with particular reference to the hardstanding parking area to the north of the building and the new build development to the east of the building, as has a respected historian. Both of these elements of the overall development are required for the development to be viable and on balance it is considered that these elements are acceptable. The proposed east wing is required to ensure that the development is a viable proposition and in terms of design it balances the appearance of the development with the creation of the two wings. . The proposed hardstanding area is required somewhere on the site to provide parking provision for the development. The open space of the gardens to the north would be lost but the landscaping of this area would be sensitive to the existing arrangement. Parking needs to be provided on site and unfortunately the impact of the development on the historic assets needs to be balanced against the need to preserve the listed building. The impact of the proposals on the garden is a material planning consideration and Cadw is a statutory consultee.

However, Cadw's advice needs to be balanced against the overall benefits of the scheme in terms of the long-term restoration of the house. The Council's Heritage Manager has reviewed the proposal and Cadw's comments and although their concerns are acknowledged, on balance, it is considered that the development is acceptable given that the overall scheme would preserve this vital heritage asset.

6.5.5 The site also lies within the Wye Valley Area of Outstanding Natural Beauty (AONB) and any development needs to ensure that it does not harm the landscape characteristics of this designated area. The visual impact of the development on the wider landscape would be acceptable and would not have a significant detrimental ~~long term~~ impact on the AONB. The site is largely surrounded by mature landscaping and Troy House forms part of a group of buildings including Troy Farm. The site currently features modern buildings to the west and the application proposes that this building is replaced with a new wing and there is a new wing to the east. The resultant development would remain to be grouped within this existing arrangement and the neighbouring built form of Troy Farm. The proposed east wing would assimilate into the form and pattern of these rural buildings and therefore the impact of the development on the wider area would be acceptable. NRW have raised concerns and objected to the application on landscape grounds and have outlined that "*The site is extremely sensitive and no landscape appraisal or historic landscape assessment appears to have been carried out. Whilst we consider that significant adverse visual effects on the AONB and Registered Landscape are unlikely due to the containment of the site by mature trees, the effects on the fabric, character and value of this important site are likely to be significant and adverse.*" Although it would be beneficial for the scheme to be supported by a landscape impact assessment the siting of the new build development is acceptable and justifiable in architectural terms. The site is contained from view as it is grouped with other buildings and screened by mature landscaping. The development would not have an adverse impact on the wider landscape and vantage points are generally limited and distant, with the exception of views along the public right of way that runs through the site. Removal of the poorly designed outbuildings/extensions and restoration of the listed building together with the enabling development is arguably an enhancement visually. NRW requested that we review the amount of new build development at the site but this scale of development is justified given the viability of the scheme. In order to protect the long term management of the registered garden a Conservation Management Plan for the registered garden and landscape would be secured by a condition. The proposed development would not harm the long term management of the AONB and the design and scale of the development is appropriate for the site. The development would be in accordance with Policy LC4 of the LDP.

## 6.6 Archaeological constraints

6.6.1 Glamorgan Gwent Archaeological Trust (GGAT) has requested that an archaeological evaluation of the site is conducted prior to the determination of the application. This information is needed to ensure that the development does not harm any historic features. Whilst it is agreed by officers that the proposed development has the potential to harm archaeological features at the site it is considered that provided that there is a detailed implementation of a programme of archaeological work in accordance with a written scheme of investigation and an archaeologist is on site during foundation development that any potential features at the site can be preserved and recorded. While there is an archaeological restraint at the site it is considered that a pre-determination archaeological evaluation is not obligatory in this case. The western area of the site has been previously developed with modern buildings and although the eastern element of the site does lie within the registered garden any features that are at the site can be preserved with a detailed written scheme of

investigation. If consent was to be granted it would include a condition for an archaeologist to be present on site and for a full written scheme of investigation to be undertaken.

## 6.7 Highway Safety and access

6.7.1 The impact of the development on the highway network has been fully assessed by the Council's Highways Officer following the submission of additional information in the form a transport statement and a road safety audit. The Highways Officer has reviewed the information and although there are some concerns with the validity of the data, Highways are of the view that the development is acceptable and do not object to the proposals. Troy House was previously used as a school and therefore there would have been a significant amount of traffic movements associated with that use and this would also be true if the site was to reopen as a school. This past use is not considered to have been abandoned in the legal sense, albeit that it has clearly ceased for many years. The lawful use of the site (Use Class C2) is a material consideration when reviewing the proposed implications that the development would have on the highway network. The site has been vacant for a number of years and therefore at present the site has no impact on the existing highway network. If the use were reinstated at the site then the amount of additional traffic movements associated with this use would generate high levels of traffic movements. Other uses within this use class would include hospitals, colleges and schools, all of which would have the potential to generate a great deal of traffic movements.

6.7.2 The Highways Officer has outlined that "it is accepted that the projected level of traffic generated by the development will be less than that generated under its extant school use. Therefore the proposed development will not have a negative impact on available capacity on the local highway network." The application proposes to utilise the existing access onto the B4239. The access does not have the required visibility splay set out in TAN18 however it is an existing access that could be used for a school and therefore the historic use of the site is a material planning consideration. The Highways Officer has concluded that the proposed access arrangements are acceptable. The application also provides adequate parking provision for each apartment in accordance with Monmouthshire's adopted Parking Guidelines. The proposed would not have a harmful impact on highway safety and would be in accordance with Policy MV1 of the LDP.

## 6.8 Ecology

6.8.1 The protection of ecological features is a material planning consideration when determining a planning application. The Council commissioned an ecological survey at the site for the applicants to use as part of this application. This survey work has been passed to the applicant and additional work to mitigate the impact of the proposed development on wildlife has been developed and submitted. The information has been considered by NRW and the Council's Biodiversity Officer and they are satisfied that subject to the development being constructed in accordance with the submitted mitigation strategy then there should not be harm to the favourable population status of the European Protected Species on or using the site. The proposals take full account of wildlife interests at the site and would preserve and enhance the existing habitat. The development would be in accordance with Policy NE1 of the LDP which seeks to preserve ecology and mitigate the impacts of development and would be in accordance with the guidance within TAN5 and PPW.

6.8.2 In consideration of this application, European Protected Species will be affected by the development and it has been established that a derogation licence from Welsh



Government will be required to implement the consent. NRW have outlined a licence could be given for the development. 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 Officer, 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 proposed development is of significant overriding public interest as the Listed Building is in severe need of repair and the proposed development would result in the building being renovated and brought back into beneficial use, preserving the heritage assets in the long term. The proposed development has significant social benefits as the heritage asset would not be lost.
- (ii) There is no satisfactory alternative  
Development Management Comment: Given that the existing listed building needs renovation there is no viable alternative.
- (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: The proposals are supported with detailed mitigation proposals to ensure that the development does not have a significant impact on the use of the building by bats. The proposed mitigation has been scrutinised by NRW and the Council's Biodiversity Officer both of whom are satisfied with the proposed mitigation. Providing the mitigation is incorporated into the development, it would not have a significantly detrimental impact on ecology and would be acceptable.  
In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard to the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that planning conditions are used to secure the proposed mitigation.

### 6.8.3 Wye Valley and Forest of Dean Bat Sites SAC & Wye Valley Woodlands SAC

6.8.3.1 There are several potential pathways to cause a detrimental effect on the interest features of the Special Areas of Conservation (SAC) (i.e. horseshoe bats). A Habitats Regulations Assessment has been carried out (Test of likely significant effect) and counteracting measures are embedded within the application and within the suggested conditions to ensure the development does not have an adverse impact on these sensitive nature conservation sites. An appropriate assessment has been conducted for the proposed development and officers are satisfied that given the proposed mitigation embedded within the application and within the suggested conditions there will not be a significant effect on the interest features of the SACs.

### 6.9 Green Infrastructure

6.9.1 There are a number of existing trees covered by a tree preservation order both to the north of the proposed parking area and alongside the access drive. The impact of the development on the trees at the site has been fully considered and the development is not considered to have a harmful effect on any tree that is considered to be worthy of retention. The key landscape features will be retained within the development and the submitted site plan outlines that the site will have a generous amount of landscaping. The overall development will be sympathetic to the existing green

infrastructure at the site and respect the character of the historic registered garden. In order to ensure that the landscaping of the site is constructed to a satisfactory standard and to ensure the green infrastructure is managed appropriately in the long term suitable conditions should be added to any consent. Subject to these conditions the proposed development would not harm important landscape features and would be in accordance with the requirements of Policies GI1, EP1 and DES1 of the LDP.

#### 6.10 Residential Amenity

6.10.1 The proposed development would not have an unacceptable impact on the residential amenity of any other property. The conversion of the building and the new build wings would not be overbearing nor would the buildings obstruct natural light to any party given that they would be sited to the north of Troy Farm. The proposed development would not have an unacceptable impact on any party's privacy. The proposed windows in the rear elevation of the wings would overlook existing farm tracks and agricultural land and would not have direct unobstructed views into private amenity areas. The proposed development would not have an unacceptable impact on any party's residential amenity and would be in accordance with Policy EP1 of the LDP.

#### 6.11 Response to Community Council

6.11 The main concern regarding the proposed development from Monmouth Town Council and Mitchel Troy Common Community Council relates to the proposed access for the site. Mitchel Troy Common has outlined an alternative access point but the applicant does not want to pursue any other option and would like the application to be determined on its current merits utilising the existing access track. As outlined in section 6.7 MCC Highways are satisfied that the proposed access arrangement is acceptable and has not raised any objections to the proposals.

#### 6.10 Response to third party objections

6.10.1 The Highways Officer has reviewed the submitted transport plans and the proposed access arrangement and is satisfied that the proposed development would have an acceptable impact on highway safety, particularly given the site's last known use. While the development would have an impact on the amount of traffic that uses the lane it would not be unacceptable and, as mentioned above, an alternative C2 use would also generate a large amount of traffic. The site has been vacant for many years and it is recognised that when the site does come back into beneficial use traffic will increase in the area. However given the planning history of the site there is a 'fall back position' where a similar type of use to a school could be reinstated. The Highways Officer considered that the traffic generated by the proposed development is acceptable and does not object to the development. They also considered the access arrangement to be acceptable in principle although further improvement of the access will be required via a condition. With regards to concerns about the location of passing bays, structural soundness of the bridge and the legal right the applicants have to use the lane for this purpose, these would all be civil matters for the applicant and the relevant parties to resolve. The applicant would have to ensure that they have the legal right to use the access in the manner in which they have outlined. There were also concerns about the lane being used for farming purposes for moving cattle and again this would be a matter for the applicant to consider however it is not uncommon for roads within the open countryside to be utilised for such purposes, accommodating both agricultural uses and domestic vehicles. As outlined in section 6.8 the proposed development would not have an unacceptable impact on wildlife interests. The restoration of the listed building is not considered to be harmful to its character or its setting. The new

build development is necessary to secure the restoration of the heritage asset which is the overriding factor in considering this application.

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

6.11.1 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. This particular application has a number of specific constraints and concerns and significant weight has been given to ensure that the listed building is preserved, and in doing so would preserve the social and cultural well-being of Wales in the long term by restoring a significant heritage asset.

#### 6.12 Conclusion

6.12.1 The main objective of this planning application is to ensure the long term preservation of this significant heritage asset. Officers have for many years been trying to work with the applicant to encourage development at the site to bring the deteriorating building back into beneficial use and have taken a pragmatic approach to assist in the positive determination of the application. It is acknowledged that bringing the building back into use would be a significant benefit because it would save the listed building and that is the overriding justification to approve this application. The extent of new build is considered to be justified given the viability challenge of the proposals and flooding risks at the site are considered to be manageable and acceptable in these unique circumstances. The proposed development has been advertised as a departure from the adopted LDP given the policy conflict of supporting the new build enabling development in the open countryside and the conflict with TAN 15 and Policy SD3 of the LDP. Planning Policy Wales (para 3.1.5) outlines that "The local planning authority should have good reasons if it approves a development which is a departure from the approved or adopted development plan or is contrary to the Welsh Government's stated planning policies, the advice of a statutory consultee or the written advice of its officers". The approval of this application would ensure that this building of national importance can be restored and saved for future generations. The long term preservation of the building is considered to outweigh the in principle flood risk objection and the concerns of consultees in terms of impact of the development on the registered historic garden and the wider landscape. On balance, the proposed development is considered to be acceptable and the application is recommend for approval subject to the conditions outlined below.

### **7.0 RECOMMENDATION : APPROVE**

#### **Conditions**

##### Conditions/Reasons

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

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

Pre-commencement conditions

3. No development shall commence until the applicant has submitted details demonstrating the proposed improvements to the junction and access road. Details on carriageway construction and surfacing materials shall be submitted together with improvements to the junction showing a level plateau for the first 10m from the edge of carriageway thus avoiding vehicles accessing and exiting the junction on an incline. The submitted details shall be agreed in writing and shall be implemented at the site in accordance with the terms of condition 17 below.

Reason: In the interests of highway safety

4. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The construction work shall be carried out at all times in accordance with the approved scheme.

Reason: In the interest of highway safety

5. Samples of the proposed external finishes including;  
The natural slate and a one square metre sample panel of render, stone and brick 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.

6. No works shall be carried out on the listed building until a Construction Management and Restoration Phasing Plan (CMRPP) has been submitted to and approved in writing by the Local Planning. The Plan shall set out a phased schedule of works that will include the full restoration of the historic fabric of the building detailing the proposed repairs and method statements affecting all aspects of the works to the listed building. For example, full details of the proposed method of protection and restoration and reinstatement of the plaster ceilings. All works shall be carried out in accordance with the approved CMRPP.

Reason: To safeguard the protection and restoration of the Heritage Asset

7. Excluding the west wing, as outlined on drawing number 1162.06 AL.0.04 Rev C, no buildings shall be erected on site as hereby approved, before the listed building known as Troy House has been repaired and restored in accordance with the agreed Construction Management and Restoration Phasing Plan (as referred to in condition 6).

Reason: To safeguard the protection and restoration of the Heritage Asset.

8. 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 application 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 ensure any archaeological features are taken into account.

9. No development shall commence on site until a detailed surface water management scheme has been submitted to and agreed in writing by the Local Planning Authority.

The management plan shall include details for the entire application site including car park, access road and other hard and soft landscaped areas. The detailed surface water management scheme shall be completed in accordance with the approved details prior to the development being occupied.

Reason: To safeguard the riparian habitat of the River Trothy and River Wye SSSI and SAC and to ensure adequate drainage of the site.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a demolition and construction environmental management plan (DCEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The DCEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging demolition & construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of the ecological clerk of works (ECoW)
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Detail of management of Invasive Non Native Species to reduce the occurrence at the site and prevent uncontrolled spread.

The development shall be carried out in accordance with the approved DCEMP during the demolition and construction periods.

Reason: To safeguard the riparian habitat of the River Trothy and River Wye and other ecological interests at the site including protected and priority species.

11. 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 shall reflect (but not be limited to) the principles shown on Site Plan – As proposed AL.0.04 Revision C and Proposed Detailed Site Plan AL.0.06 Revision A. Details shall include:-

- proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, artwork, refuse or other storage units, signs, lighting, floodlighting and CCTV installations etc.);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports and CCTV installations.);
- retained historic or other landscape features and proposals for restoration, where relevant.
- 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.
- Watercourse Features

Reason: To ensure the provision afforded by appropriate Green Infrastructure design & to safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and wider ecological considerations including protected and priority species.

12. Prior to the commencement of development a Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority. The content of the Management Plan shall include the following;
- a) Description and evaluation of Green Infrastructure assets to be managed to include but not be limited to:
    - i) Bat roosts & supporting habitats, mitigation and compensation including flight lines for foraging/commuting
    - ii) Riparian habitats to conserve SINC habitat (River Trothy) supporting Interest Features of the River Wye SAC
  - 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 of GI assets and remedial measures including a monitoring scheme for bats. Monitoring should include the bats themselves, the roosting locations, and the establishment of newly planted and existing habitats/flight lines. 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 e.g. for bats) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved green infrastructure management plan shall be implemented in accordance with the agreed GI Management Plan.

Reason: To ensure effective management of Green Infrastructure assets at the site in accordance with LDP policy G11 including flight lines and riparian habitat integral to the maintenance of favourable conservation status of protected sites and species.

13. No development shall take place until the local planning authority has been provided with a copy of the final Method Statement detailing mitigation for Bats. 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 roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and other species of bats using the site in accordance with the Conservation of Habitats and Species Regulations 2017.

14. No development shall take place until the local planning authority has been provided with a detailed schedule of the phasing of works that are likely to detrimentally affect bat species and the detail of measures to be employed to prevent / minimise impacts. The phasing schedule shall be implemented in full and any subsequent amendments provided to the Local Planning Authority for record and enforcement purposes.

Reason: To safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and other species of bats using the site in accordance with the Conservation of Habitats and Species Regulations 2017.

15. No occupation of the hereby approved apartments shall take place until car parking has been provided in accordance with the approved plan and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure provision is made for the parking of vehicles.

Regulatory or other conditions

16. No apartment shall be occupied until a detailed flood evacuation plan is submitted to and agreed in writing with the Local Planning Authority. All purchasers of the hereby approved apartments shall be made aware of the flood evacuation plan and the plan shall be implemented in the event of any flood.  
Reason: To ensure there are adequate flood protection measures in place.
17. Before the approved development is first occupied the access shall be constructed in accordance with the approved plans.  
Reason: To ensure the access is constructed in the interests of highway safety.
18. Before the approved development is first occupied full details of the private water treatment system shall be agreed in writing with the Local Planning Authority. The treatment system shall be installed prior to any of the apartments being occupied.  
Reason: To safeguard the impact of any discharge on wildlife interests and to ensure a satisfactory system is installed at the site.
19. No lighting shall be installed until a lighting design strategy including a detailed lighting plan has been submitted to and approved in writing by the local planning authority. The strategy shall build upon the principles in Section 3.6 of the submitted Bat Mitigation strategy and Proposed – Detail Site Plan AL.0.06 and Bat Mitigation Strategy Troy House Revision A.  
The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for protected and priority species 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 roosting / foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications including operational measures) to clearly demonstrate that areas to be lit will not disturb or prevent species using their territory or having access to their breeding sites and resting places.
  - c) Demonstrate (through the provision of appropriate lighting contour plans and technical specifications including operational measures) that artificial lighting spill from internal lighting shall not disturb or prevent species using their territory or having access to their breeding sites and resting places.
- All artificial 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 artificial lighting be installed without prior consent from the local planning authority.  
Reason: To safeguard roosts and flight lines of populations of horseshoe bats connected with the SSSI and SAC and wider ecological considerations including protected and priority species.
20. The pedestrian walkaway on the hereby approved access plans shall be constructed and available for use prior to any of the hereby apartments coming into beneficial use.  
Reason: To ensure pedestrian access to the site.
21. The hard landscaping at the site shall be made up of a permeable material only.

Reason: To ensure satisfactory drainage at the site.

22. 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.

23. The hard and soft landscaping, as approved under condition 11, shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.  
Reason: To safeguard the landscape amenities of the area.

25. LBC16.1 - External flues No Additional flues, vents, services, external lights, alarms or satellite dishes shall be fixed to the building other than those hereby approved.  
RLB09-Reason - To safeguard the character and appearance of the listed building and its setting.

26. LBC19-Ridge And Hips - Wood Lead Roll Ridges and hips shall be formed with wood core lead rolls.  
RLB09-Reason - To safeguard the character and appearance of the listed building and its setting.

27. LBC43-Render - Smooth Finish to Match New external rendering shall have a smooth surface finish to exactly match existing render. The render shall contain a well graded sharp sand and lime. Metal angle beads shall not be used. The final coat shall be finished with a wood float and shall not be belled outward over the heads of wall openings or at a damp proof course level.  
RLB09-Reason - To safeguard the character and appearance of the listed building and its setting.

28. LBC32-Rainwater Goods To Match All rainwater goods shall be in cast metal and have a painted finish.  
RLB09-Reason - To safeguard the character and appearance of the listed building and its setting.

29. LBC52-Painting - External Walls the render shall be painted with a matt finished microporous masonry paint to a colour which shall be submitted to and approved in writing by the Local Planning Authority before the render is installed at the site.  
RLB09-Reason - To safeguard the character and appearance of the listed building and its setting.

30. LBC57-Subcills To Be Agreed The new window(s) shall have stone subcill(s) to a type and detail which shall be submitted to and approved in writing by the Local Planning Authority prior to these windows being installed.  
RLB09-Reason - To safeguard the character and appearance of the listed building and its setting.

31. LBC66-Detailed Plans 1:10 Details of the proposed:



- Dormers
- Windows
- Cornice
- Urns
- Ashlar quoin details
- Parapet and coping
- Window surrounds
- External doors

To a minimum scale of 1:10 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units shall be submitted to and approved in writing by the Local Planning Authority prior to these elements being installed.

RLB09-Reason - To safeguard the character and appearance of the listed building and its setting.

32. LBC67-External Timber - Painted All external timber shall have a painted finish in accordance with a detailed schedule to be submitted to and approved in writing by the Local Planning Authority prior to timber being installed.

RLB09-Reason - To safeguard the character and appearance of the listed building and its setting.

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DC/2015/00936

## WIDENING OF EXISTING TRACK FOR AGRICULTURAL USE

LAND AT CARROW HILL FARM, CARROW HILL, NP26 3AU

### RECOMMENDATION: APPROVE

Case Officer: David Wong

Date Registered: 07/09/2015

#### 1.0 APPLICATION DETAILS

1.1 This is a retrospective planning application for an agricultural track on land at Carrow Hill Farm, Caerwent. Carrow Hill Farm is an existing, well established farm. The track is for agricultural use only and will facilitate the movement of farm machinery to land at the southern end of the farm without the need to travel along a section of narrow, steep public road. The applicant is a close relative of a County Councillor. Therefore, this application requires the determination by Planning Committee.

#### 2.0 RELEVANT PLANNING HISTORY

There are various historical planning permissions related to Carrow Hill Farm but none is directly related to the location of this track.

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### Strategic Policies

Policy S10 – Rural Enterprise

Policy S13 – Landscape, Green Infrastructure and the Natural Environment

Policy S17 – Place Making and Design

##### Development Management Policies

Policy DES1 – General Design Considerations

Policy NE1 – Nature Conservation and Development

Policy RE4 – New Agricultural and Forestry Buildings

#### 4.0 REPRESENTATIONS

##### 4.1 Consultations Replies

Caerwent Community Council – recommends refusal.

Local information indicates that there is no long term existing track which could be widened. There are other options to access the area of land. Felling of trees is unnecessary and we suggest that the Tree Officer be consulted. This would result in an unnecessary scar on the landscape and be ecologically disadvantageous – suggest a wildlife survey be carried out. This application should be referred to Planning Committee as the applicant is relative of a County Councillor.

MCC Tree & Ecology – objection but if upon balance with other relevant policies you are minded to approve the application, it can be compensated with relevant conditions. A track has been created by cutting down what appears to be, a considerable amount of vegetation through a woodland identified as ancient woodland by the ancient woodland inventory. The site is included as a Site of Importance for Nature

Conservation by the Council based on the ancient woodland inventory. No field survey had previously been undertaken by MCC to inform this designation.

Photographic evidence from October 2015 demonstrates the amount of wood that is likely to have come out of this stretch and the growth patterns of the remaining trees (i.e. limited growth on the now open side) suggests that trees have been removed here. I note photographs have provided by a local resident which illustrate a rich ancient semi-natural woodland ground flora. The actual position of these photographs is thought to be along the alignment of the track now created.

In addition to the removal of trees, many of the remaining trees have had their roots compromised by the new track which may affect their longevity.

It is considered therefore that Policy NE1 of the Local Development Plan is relevant to the decision on the application.

It is difficult to assess the project in relation to Policy NE1 as there is limited evidence of the actual nature conservation value of the area which has been cleared and covered in stone although, we can make assumptions based on the habitat type and the surrounding habitat.

It is also difficult to assess the need for the development or whether it can be reasonably located elsewhere as we have no data about traffic although, it is accepted that the roads are narrow for modern machinery. The developer's agent has advised Development Management that the combine harvester will travel the track 'a few times each summer'. The track will be used by other large, heavy farm machinery for cultivations, spraying etc. throughout the year and will prevent this machinery from having to use the narrow, steep lane from Carrow Hill.

Policy NE1 does not consider retrospective applications. The potential for further impacts on the woodland, if removal of the track was required, must be considered.

Policy NE 1 also states: *Where development is permitted, it will be expected that any unavoidable harm is minimised by effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided.*

No mitigation or compensation plan has been provided by the applicant.

On the basis of the above it is considered that the scheme is not acceptable and Biodiversity and Trees would consider an **objection**. The tree objection could be overcome with appropriate compensatory planting however, the biodiversity objection is more difficult to resolve. The ground flora will not be able to be compensated and would be exceptionally difficult to restore in situ. The restoration would need to include introduction of carefully chosen soil and natural recolonisation of ground flora from the rest of the woodland. I have been informally advised by NRW Conservation that it would be extremely difficult to achieve restored ground flora.

If upon balance with other relevant policies you are minded to approve the application, please consider that in line with the policy, the potential for compensatory planting of equal or greater quality and quantity be provided elsewhere within the blue line of the development.

The compensatory planting would have to provide as a minimum the quantity and quality of removed native trees to be planted as a group or in a hedgerow (or both). This has been estimated as 1 tree every 2.5m for 120m track x 4 m width (size of track taken from Design and Access Statement).

It is acknowledged that there may need to be some additional 'tidying up' of the track but this must be undertaken with great care for the remaining trees and ground flora.

The long term management of the trees will also need to be secured via planning condition.

#### 4.2 Neighbour Notification

One neighbour expressed concerns about this application; they believed that the first few metres of this route was originally an historic track which led part way up the bank

to perhaps a former small quarry but it was not of the dimensions or extent that has since been created. The site is a designated site for important habitats and other biodiversity sites and the damage caused to the site is significant.

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

5.1.1 Carrow Hill Farm is an existing, well established farm business. Therefore, the formation of an agricultural track to assist the farm operation is generally considered acceptable subject to detailed planning considerations.

### **5.2 Visual Amenity**

5.2.1 This track is generally constructed with crushed stones of various sizes, which is generally acceptable for this type of development in the open countryside. The gradient of this track is steep, connecting two different fields. It is noted that the reason for this track is to enable large farm machinery i.e. a combine harvester to manoeuvre between sites without the need to use the public road, which is very narrow at certain sections.

5.2.2 The agent advised that the combine harvester will travel the track a few times each summer. However, the track will be used by other large, heavy farm machinery for cultivations, spraying and so on throughout the year. Therefore, having this track in place will avoid such farm vehicles from having to use the narrow steep lane from Carrow Hill.

5.2.3 This track is within a wooded area and as such, it is generally not visually prominent to the wider open countryside. There is a public footpath nearby. Therefore, glimpses of this track can be seen. It is regrettable that some of the trees have been felled as a result of this development. However, the kind of visual impact of this track is a localised one. Given the above, there are no significant visual grounds to sustain an objection.

### **5.3 Neighbour Amenity**

5.3.1 There is no residential property within close proximity of this track. Therefore, no impact of this kind is anticipated.

### **5.4 Public Rights of Ways**

5.4.1 There is a public right of way near this track. However, due to the intervening distance involved, no impact on the use or enjoyment of the public right of way is anticipated.

### **5.5 Highways consideration**

5.5.1 The reason for this track is to enable large farm machines to manoeuvre between fields within the farm, without the need to use the public road which is very narrow at certain sections. It is evident that there are sections of the road in this area that are very narrow with very few passing places. Therefore, it is considered that this track would have a positive effect on this part of the local road network.

### **5.6 Trees and Ecology**

5.6.1 A neighbour is concerned that this track has already caused significant damage to the site, which is a designated site for important habitats. Additional photographic evidence

was provided to illustrate that the site was once made up of rich ancient semi-natural woodland ground flora.

- 5.6.2 Both the Council's Tree Officer and Ecologist were consulted and they have read the submitted information by the neighbour. They confirmed that the site is included as a Site of Importance for Nature Conservation (a local designation) by the Council based on the ancient woodland inventory. However, it is acknowledged that there is limited evidence of the actual nature conservation value of the area which has been cleared and covered in stone although, assumptions can be made based on the habitat type and the surrounding habitat. Also, it is difficult to assess the need for the development or whether it can be reasonably located elsewhere as they have no data about traffic although it is accepted that the local roads are narrow for modern machinery.
- 5.6.3 It is thought that a considerable amount of vegetation had been removed with no mitigation or compensation plan being provided by the applicant. The tree-related objection could be overcome with appropriate compensatory planting while the biodiversity objection is more difficult to resolve. The ground flora loss will not be able to be compensated and would be exceptionally difficult to restore in situ. The restoration would need to include introduction of carefully chosen soil and natural recolonisation of ground flora from the rest of the woodland. Informally NRW have advised that it would be extremely difficult to achieve restored ground flora. If upon balance with other relevant policies the Council as the Planning Authority is minded to approve the application, the ecological advisors have requested compensatory planting of equal or greater quality and quantity to be provided elsewhere within the blue line of the development (land owned or controlled by the applicant in the locality).
- 5.6.4 The compensatory planting would have to provide as a minimum the quantity and quality of removed native trees to be planted as a group or in a hedgerow (or both). As set out above, this has been estimated as 1 tree every 2.5m for the length of the 120m track x 4 m width (the size of the track has been taken from Design and Access Statement). They also advise that there may need to be some additional 'tidying up' of the track but this must be undertaken with great care to safeguard the remaining trees and ground flora. Therefore, the long term management of the trees will also need to be secured via a planning condition.
- 5.6.5 To conclude, this track will enable larger farm machinery to manoeuvre between sites without the need to use the public road, which is very narrow at certain sections. Also, given the fact that the loss of the existing vegetation can be compensated via the use of planning conditions, there is not considered to be sufficient tree/ecological grounds to sustain an objection.

## 5.7 Response to the Representations of the Caerwent Community Council

- 5.7.1 The Caerwent Community Council is concerned that this track is visually detrimental to the open countryside and is damaging to wildlife. These matters are considered in Section 5.2 (Visual Amenity) and 5.6 (Trees and Ecology) respectively.

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

- 5.8.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the 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 WBFG Act.

## 6.0 RECOMMENDATION: APPROVE

### Conditions/Reasons

- 1) A scheme of compensatory planting of native trees to include a minimum of 192 specimens shall be submitted to the Local Planning Authority for approval within three months of this consent. The scheme shall include species, size and protection details of specimens. Location of planting shall be clearly illustrated on a scaled plan including planting distances. Details of initial aftercare and maintenance shall also be included. The agreed scheme shall be implemented in full in the first planting season following the approval of that scheme by the Local Planning Authority.  
Reason: To compensate for the loss of Ancient Semi-natural Woodland in accordance with LDP policy NE1.
  
- 2) A Management Plan shall be submitted to and be approved in writing by the local planning authority within 12 months of the date of the approval. The content of the Management Plan shall include the following:
  - a) Description of the habitat(s) to be managed.
  - b) Aims of management.
  - c) Prescriptions for management actions.
  - d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
  - e) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The approved plan shall be implemented in accordance with the approved details.

Reason: To compensate for the loss of Ancient Semi-natural Woodland in accordance with LDP Policy NE1.

Informative:

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 birds is between March and September
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Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.
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DC/2017/01116

## EXTENSION AND ALTERATIONS TO HALL WITH ASSOCIATED WORKS

CHEPSTOW DRILL HALL, LOWER CHURCH STREET, CHEPSTOW, NP16 5HJ

### RECOMMENDATION: APPROVE

Case Officer: David Wong

Date Registered: 04/10/2017

#### 1.0 APPLICATION DETAILS

- 1.1 The Chepstow Drill Hall is a community and arts venue and this application seeks full planning permission for the extension and alteration of the Hall. The proposal involves internal rearrangement of the Hall, single storey extensions on three elevations (the northern, southern and western elevations) as well as changes to the fenestration. The proposed floorspace created as a result of this proposal is some 130 square metres, mostly to provide additional functional space such as toilet facilities, a new reception area and circulation space.
- 1.2 The site is in the Chepstow Conservation Area and the properties surrounding the Hall are of various ages and architectural styles; the Drill Hall itself is not a listed building. The Hall is located immediately adjacent to a public car park. This car park is a pay-and-display car park containing 76 spaces, which is currently free and 40 of these spaces have been allocated for resident parking. It is understood from the applicant that the current licence for the Drill Hall allows a maximum of 250 people to be accommodated seated for lecture, theatre shows and cinema screening, or 178 seated at tables with dancing and this proposal would provide an extension capable of accommodating a further 60 persons, seated in the proposed studio.
- 1.3 The Council's Car Parking Department advised that following a review of the council's car parking it was agreed to change the charging regime for the nearby car park to a daily £1.00 charge so as to offer a cheaper parking option for workers within the town as charges are to be introduced into the two existing free car parks on Station Road. This is due to change when new pay machines are installed this year. Given the above, they anticipate that this car park will be well used during the day with vehicles likely to be parked all day between the hours of 9am and 5pm.

#### 2.0 RELEVANT PLANNING HISTORY

DC/2011/01105 - To install 16 photovoltaic panels on the south-facing roof of the Drill Hall, two rows. Approved 22/12/2011

DC/2009/01145 - Provision of storage container. Approved 02/02/2010

MB32214 - Extension and Refurbishment. Approved 02/05/1990

GW16839 - Room to Shower Room, New Floor. Approved 08/04/1982

GW05026 - New Hut for Lecture Room. Approved 11/05/1977.

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 - Community and Recreation Facilities  
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  
MV1 - Proposed Developments and Highway Considerations

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

Chepstow Town Council – Recommend approval subject to emergency access into and around the car park being adequate; that the proposed location of the steps to the building is revised as the current location does not provide for safe access or egress to the car park; footpath access is retained from Orchard Gardens; residential parking is protected and managed particularly during events and the issues raised by Welsh Water and the Archaeological Society are satisfactorily resolved.

MCC Highways - The proposed development is directly adjacent to the existing public car park. The nearest public highway, Lower Church Street, is not directly affected by the proposed development as it is contained within the application site and public car park. However, having reviewed the comments made by the Council's Car Park Manager we would support the comments as we have concerns the proposed development may have a detrimental impact on the level of available off-street car parking provision. Any loss of off-street car parking provision as a consequence of the proposed development will have a negative impact on the local highway network which already suffers from on-street parking stress. There are concerns that any loss of parking will exacerbate the situation in the immediate area.

MCC Car Parking - Whilst the asset transfer is really of no relevance the planning application with the proposed plan to extend the Drill Hall does cause concern as primarily the authority can ill afford to lose any of the existing car parking spaces in the car park.

We have an allocation of 40 resident car parking permits for this location and currently receive complaints from residents when events are being held at the Drill Hall due to the lack of car parking especially during the evening.

The car park when no events are taking place during the day is relatively quiet and following a review of the council's car parking it was agreed by Cabinet to change the charging regime for the Drill Hall car park to a daily £1.00 charge in order to offer a cheaper parking option for workers within the town as charges are to be introduced into the two existing free car parks on Station Road. This is due to change when new pay machines are installed early next year. It is anticipated that the car park will be well used during the day with vehicles likely to be parked all day between the hours of 9am and 5pm.

Looking at the plans the extension will impact on the access road and therefore the likelihood is that car parking spaces will be lost as a result of the access road having to be reconfigured.

MCC Public Rights of Ways (Verbal advice) – There is the Wales Coast Path that runs along Lower Church Street but there is no existing established public right of way immediately surrounding the Drill Hall.

MCC Biodiversity - Based on the findings of the submitted report 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 information notes are advised to be included.

MCC Environmental Health – Whilst some odour and noise may be discernible from time to time at the nearest residential properties resulting the loading, storing and emptying of bins, I am not in a position to substantiate a level of problems from the proposed bin store location on which to base an objection.

MCC Heritage Management (Verbal advice) – Having reviewed the proposal, there is no objection to the application. The site is within the Chepstow Conservation Area. Therefore, it is advised that samples of materials, the soft and hard landscaping of the site and the details of the proposed solar panels should be conditioned.

Glamorgan Gwent Archaeological Trust – No objection. However, the proposal has an archaeological restraint. It is possible that archaeological remains may be encountered during ground disturbance works for this development. Therefore, conditions are suggested.

Welsh Water – No objection. The development site is crossed by a number of public combined sewers and it is requested that no operational development takes place within this area. However, there is possibility that the 225mm combined sewer that is proposed to be built over, could be diverted under Section 185 of the Water Industry Act 1991. Therefore, the applicant should contact Welsh Water to discuss this matter formally. If the local planning authority is minded to grant planning consent, please refer to the suggested conditions and advisory notes.

#### 4.2 Neighbour Notification

Objections have been received from 8 individuals.

The result of the proposal will bring the bin storage area of the Hall very close to my home and during a hot spell of weather the smell from such a large quantity of bins would possibly be unbearable. Therefore I would like the request that the bin store is moved away from the residential properties.

We have serious concerns regarding the proposed extension to the Drill Hall and more specifically the impact on the car park. Residents have made representations over a number of years directly to the Drill Hall and also through the Town and County Councillors who have put forward and supported resident's views regarding parking and safety. The Hall have ignored all concerns and in the planning application submitted they have once again failed to address the issues.

Problems arise during events in the hall and regularly spaces are not available for residents. It is reasonable to assume that with an extended hall and a bigger program the situation will become worse. In addition, the £1 daily charge that is to be introduced shortly will see the car park even busier.

Regularly during events in the hall roadways are blocked and it would be impossible for emergency vehicles to access the car park, cars travelling against the one-way

system, exiting from the entrance and vice versa, unbadged cars taking up disabled spaces and cars parked outside bays. A number of residents' cars have been damaged through inappropriate parking.

The application states there will be no diversions of rights of way. Whilst the plans are not clear it would appear that the extension to the side extends over the existing right of way and the path from the houses to the rear of the hall to the car park will need to be diverted around the new building.

No Neighbour consultation has been undertaken by the applicant about this proposal prior to its submission *[N.B. the drawings for the proposals set out in the planning application were on public display in 3 locations in the town for a period of 10 weeks – the library, leisure centre and the Drill Hall itself – and have been amended to take into account representations. They were also shown at two events, the Big Picnic at Chepstow Castle on 18 June 2017 and at a public meeting on July 23rd 2017 in the Drill Hall].*

The plans do not show the extension in the context of the car parking bays and circulation road. The extended building and walkways intrude some considerable way into the car park taking up around two thirds of the existing circulation road and the existing loading/drop off area, making an already congested area more restricted. It would appear from the plans that the motor cycle parking has been removed.

The allocated resident parking spaces were provided following residents' representations over a number of years and the intervention of County and Town Councillor Peter Farley on behalf of residents who was able to reach agreement with MCC. The successful implementation of the resident parking spaces has alleviated some parking problems initially. However, there is no enforcement in place and the Hall users are now using the allocated spaces.

There is no current and projected Drill Hall visitor numbers provided for consideration. The impact of this proposal to the Drill Hall Car Park will be felt during specific times when Hall events take place.

There is no event management plan. Regular spaces are coned off within the car park for extended periods and would potentially block the circulation space, which will be reduced in width within the plans.

The applicant has focused on hall users (mainly from outside the town) and not residents living in the locality.

The proposed extension is further out than it was suggested at one of the meetings prior to the submission of the planning application.

I note that the Drill Hall committee in its comments claims that local resident parking permits for the Drill Hall carpark are issued free. This is not the case, we pay for our permits.

The quality of the consultation of Chepstow residents has been poor. I attended all three packed consultation meetings, and many people complained bitterly about the poor consultation.

As regards the Drill Hall claim that they have not received any information on cars being damaged while parked during Drill Hall event times, I can confirm that my car was damaged at just such a time. I did not contact the Drill Hall committee because

from previous experience of attempts to interest them, I concluded I would be wasting my time.

The Drill Hall committee has not responded to legitimate concerns of local residents.

There was an ad hoc arrangement whereby residents coned off an area of the carpark prior to events if they knew about them and the committee claimed this as an example of their response to the problem, though to the best of my knowledge, it was only ever residents who put out the cones. I met with the organisers of Drill Hall events, dog shows, musical events etc., and none of them knew anything about this arrangement so they could not inform their visitors of its existence. I include this as evidence of what I believe is a dismissive attitude from the committee to any local concerns

The applications refers to a community facility, with the amount of people attending by cars this would indicate that most attending are not local and live a distance requiring their attendance by car. The lack of use by local residents should raise concerns as to the running of the Drill Hall, targeting people further afield and also disregarding local residents in both interests and the impact on the place where they live.

With the wish to increase the number of events and numbers attending, a different location would be more desirable that could suitably manage these events and provide adequate parking provision.

The population of the old town area by the riverside will at least double in the next 10 years as there are two large brownfield housing developments on historic industrial sites on the riverbank in the immediate vicinity of the Drill Hall. These developments will add 600+ dwellings to the town's housing stock, making a contribution of approximately 10% to the overall population of the town. Many of these new residents will require extra parking space; the Drill Hall is in walking distance from most of these new dwellings, and would be a first choice option for a great number possibly seeing the car park being full to capacity both night and day.

The impact on parking has already affected visitors coming to see me, not being able to park in the Drill hall and having to leave as their mobility restricted parking further away.

The site is within an area at risk of flooding and no flood consequences assessment has been carried out; this application should be made invalid without this essential piece of information as well as providing misleading information to planners to which I object.

The questionnaire which was given out to anyone attending certain events was poorly designed. Analysing data that is misleading will not produce transparent results, concluding the questionnaire is not fit for purpose.

## **5.0 EVALUATION**

### **5.1 Principle of the proposed development**

- 5.1.1 The principle of the proposal is in accordance with the Strategic Policy S5 of the Monmouthshire Local Development Plan, which supports development proposals that provide and/or enhance community and recreation facilities within the town development boundaries; detailed planning considerations will be considered separately.

## 5.2 The proposed design and its impact upon the setting of the Chepstow Conservation Area

- 5.2.1 The site is within the Chepstow Conservation Area and is surrounded by properties of varying age, character and architectural styles. The design appearance of the Chepstow Drill Hall is uniquely different to the surrounding properties. It is set well back from the highway, Lower Church Street. Due to its location, glimpses of the Hall can be seen along Lower Church Street.
- 5.2.2 The proposed materials will largely match with those existing i.e. a natural slate roof with natural stone and rendered walls. The bulk and scale of the proposed extensions, although more modern in appearance are visually acceptable and do not adversely affect the appearance of the Hall. They will add some modernity and some visual interest to the existing building and more clearly indicate its main entrance.
- 5.2.3 Owing to the location of the Hall, the overall setting of this part of the Chepstow Conservation Area will not be significantly affected. It is acknowledged that glimpses of the Hall can be seen from the adjacent highway, but the scale, bulk and design of the proposed changes are visually acceptable and would preserve the character and appearance of the Conservation Area.
- 5.2.4 It is considered that the most of the surrounding properties will have unrestricted view towards the Hall. However, the overall design of the proposal is visually acceptable and the proposed materials will in the main match with those of the existing. Therefore, there is no planning objection to this element.

## 5.3 Traffic Generation and Parking issues

- 5.3.1 Chepstow Drill Hall is an existing, well established community facility. Therefore, there is historic usage of the land and building and it would be unreasonable to treat this application as a wholly new community proposal; the extensions should be considered on their own merits. This application is not the creation of a new community facility development proposal i.e. it is an improvement/enhancement of its current functional space. The new additional floorspace proposed is some 130 square metres, which is mostly to provide additional functional space such as toilet facilities, a new reception area and circulation space.
- 5.3.2 There are local concerns that there is no clear information in relation to the projected number of visitors of the proposal. An objector has also raised that the current planning application at the Chepstow Castle Car Park, DC/2017/01248, will have a significant impact towards the existing car parking capacity of the area. That application is for a new riverside pavilion building, deck and river access structure and is likely to generate a significant increase in visitors for the area. That application is still under consideration (although an earlier, similar scheme was approved in 2007) and if that application is approved, six existing spaces within the Castle Car Park would be lost as a result. However, Chepstow remains a sustainable location and the site is within walking distance from Chepstow bus and train stations. There are existing public car parks in and around Chepstow town centre for those visitors who wish to drive; they are also within easy walking distance of the Drill Hall. Therefore, there is no significant planning grounds to sustain an objection regarding lack of car parking to serve this minor extension to an existing leisure/ recreation facility.
- 5.3.3 The Council's Highways Department has advised that the nearest public highway, Lower Church Street, is not directly affected by the proposed development as it is contained within the application site and public car park. However, having reviewed

the comments made by the Council's Car Park Manager the Highways Officer supports these comments, having concerns that the proposed development may have a detrimental impact on the level of available off-street car parking provision. Any loss of off-street car parking provision as a consequence of the proposed development would be seen as having a negative impact on the local highway network which already suffers from on-street parking stress. There are concerns that any loss of parking will exacerbate the situation in the immediate area.

5.3.4 The applicant noted the neighbour objections and the responses of the consultees and has submitted further information to explain that no car parking spaces would be lost as a result of this proposal. It is noted on the plan that the proposed extension on the northern elevation (i.e. the elevation featuring the main entrance of the Hall) will project beyond the existing building line and as a result, the width of the existing circulation space will be reduced from 6.7m to 4.3m with no loss of existing parking spaces, which is adequate for one way traffic circulation. Although the entrance steps of the Hall lead directly onto the circulation space of the car park this is considered reasonable in this instance. In addition, the speed of vehicles in the car park would be limited by the configuration and geometry of the car park. Therefore, it is considered that the proposed steps will not be likely to adversely affect the safety of the users of the Hall or the car park.

5.3.5 It is acknowledged that after being extended, the Hall is likely to be put to greater use which will inevitably add pressures on the Drill Hall car park with evening use showing the most pressure. Notwithstanding this, Chepstow is a sustainable settlement and the Drill Hall is within walking distance of other public car parks i.e. the Castle Car Park as well as the car parks on Nelson Street, Welsh Street and the Station Road Car Park. The combined capacity of these car parks is over 700 spaces. From reading the representations of the objectors, there is clearly a parking problem i.e. non-local residents are using the allocated resident parking spaces and able-bodied people are using the disabled people's dedicated parking spaces. However, inappropriate use of the current car parking provision is not a sound reason to withhold consent for the enhancement of this community facility. This a matter for the management of the Hall together with the local Police and traffic wardens to ensure stricter enforcement is applied, and to alleviate any impacts on local parking needs.

#### 5.4 Public Rights of Ways

5.4.1 Some of the neighbours have indicated that it would appear that the extension to the side extends over the existing right of way and the path from the houses to the rear of the hall to the car park will need to be diverted around the new building.

5.4.2 Having discussed this matter with the Council's Public Rights of Ways Officer, it was confirmed that there is no public right of ways immediately surrounding the Hall. The Wales Coast Path runs in line with Lower Church Street, which is well away from the proposed extension. Therefore, the proposal does not have any impact towards on public rights of way.

5.4.3 Currently, there is a walkway immediately alongside the Drill Hall, connecting Orchard Gardens to the Drill Hall Car Park. As a result of this proposal, this walkway is be built over. However, there is another walkway, which is open to the public, on the other side of the tall stone wall i.e. through the archway of the tall stone wall. Therefore, the pedestrian linkage from Orchard Gardens to the Drill Hall Car Park would be maintained.

#### 5.5 Neighbour/ amenity impact

- 5.5.1 Due to the orientation and distance of the Hall from the neighbouring properties, the proposed extension is not likely to have any overbearing or overshadowing impact towards the neighbouring residential properties.
- 5.5.2 In terms of overlooking, there will be no loss of privacy to the neighbours as there will be no first floor windows and the new ground floor openings on the southern elevation are obscure glazed as they are to serve the WC and the changing rooms. On the western elevation, there will be four new openings, which will serve the new studio area. These four windows will be looking directly at the metal, standalone storage container, which is to serve the Drill Hall. In addition, beyond this container, there is a tall stone wall that separates the Hall from the residential properties at Gwy Court. There will be no change to the fenestration of the southern elevation of the Hall and the new openings on the northern elevation will front onto the car park itself. Therefore, no overlooking issue is anticipated.
- 5.5.3 As mentioned previously, the Hall is able to intensify its current use without the need for planning permission. In terms of noise, the proposed studio room will be closer to the residential properties at Gwy Court (with four new windows). These windows will front towards the existing metal, standalone container and beyond this container, there is a tall stone wall that separates the Hall from the residential properties at Gwy Court. Therefore, there is a substantial physical barrier to mitigate noise that may travel directly towards the properties at Gwy Court. In addition, the Council's Environmental Health Department advised that there has been no noise complaints from the neighbours of the Hall (the Hall has been operated as a community hall since 2008). Therefore, it is reasonable to say that Drill Hall is a responsible organisation. If noise becomes an issue, there are other legislative powers under environmental health legislation to protect members of the public from statutory nuisance.
- 5.5.4 A neighbour has raised concerns about the potential air pollution that this development would cause. However, due to the scale of this proposal, there are no grounds to request the submission of an air quality assessment.
- 5.6 Flooding
- 5.6.1 A local resident is concerned that there is no FCA submitted with this application as the site is within a flood zone. However, the Chepstow Drill Hall is an existing, well established community facility and the proposal is an extension/improvement of the existing facility. In addition, the scale of the proposed development does not warrant a FCA nor does it affect a matter listed on the Checklist (i.e. the proposed extension is less than 250 square metres), Natural Resources Wales and Planning consultation (March 2015). Therefore, NRW does not require to be consulted. However, it is considered to be reasonable to request an emergency evacuation plan in the event of flooding, making sure that the Hall has an adequate management plan in place to deal with this situation.
- 5.7 Ecology
- 5.7.1 A bat survey and ecological appraisal has been submitted as part of the planning application. The Council's Ecologist was consulted and advised that based on the findings of the submitted information there should be no negative impacts on biodiversity as a result of the proposed development; an informative is requested if members are minded to grant planning permission for this development.
- 5.8 Welsh Water



5.8.1 There is no objection from Welsh Water; it advised that the development site is crossed by a number of public combined sewers and it is requested that no operational development takes place within this area. However, there is possibility that the 225mm combined sewer that is proposed to be built over, could be diverted under Section 185 of the Water Industry Act 1991.

5.8.2 Welsh Water would like to see no surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage to be allowed to drain directly or indirectly to the public sewerage system. The connection to and the build-over of the public sewer is a matter between the applicant and Welsh Water, subject to a formal agreement. Therefore, the applicant will be advised via an informative to contact Welsh Water to discuss this matter formally.

#### 5.9 Archaeology

5.9.1 Glamorgan Gwent Archaeological Trust advised that it is possible that archaeological remains may be encountered during ground disturbance works for this development. Therefore conditions and an informative are recommended to be applied.

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

5.10.1 There has been no objection from the Chepstow Town Council provided that the matters they raised are adequately addressed.

Section 5.3 refers to the access into and around the car park and other highway matters; section 5.4 refers to the access from Orchard Gardens to the car park; sections 5.8 & 5.9 refer to the matters raised by Welsh Water and archaeological issues.

#### 5.11 Other material issues raised during the consultation period

5.11.1 A resident had concerns about the proximity of the bin storage area of the Hall to their home. The Council's Environmental Health Department advised that whilst some odour and noise may be discernible from time to time at the nearest residential properties as a result of the loading, storing and emptying of bins, they are not in a position to substantiate a level of problems from the proposed bin store location on which to base an objection. The careful management of any bin store would be a matter for the Hall's operators/ management team.

5.11.2 Some neighbours were concerned about the lack of consultation undertaken by the applicant prior to the submission of this planning application. Some objectors have stated that this proposal is not the same version that they saw at some of the meetings prior to the application being submitted. In addition, there is evidence that questionnaires have been distributed/conducted at various public events. Having said that, there is no statutory requirement in this instance for the applicant to consult the neighbours about this proposal prior to its formal submission.

5.11.3 There are some local concerns that the plans do not show the extension in the context of the car parking bays and circulation road. They suggest that the extended building and walkways intrude some considerable way into the car park taking up around two thirds of the existing circulation road and the existing loading/drop off area, making an already congested area more restricted. It would appear from the plans that the motor cycle parking has been removed. The agent has submitted an additional plan to

demonstrate that the proposed extension, while reducing the width of the circulation space, maintains a sufficient width (4.3m) to allow circulation of the car park.

5.11.4 The concerns raised by residents regarding misuse of the dedicated residents parking bays in The Drill Hall car park need to be raised with the relevant authorities including the Police and local parking wardens.

5.11.5 A neighbour expressed that with the wish to increase the number of events and visitors attending the Hall, a different location would be more desirable that could suitably manage these events and provide adequate parking provision. The Chepstow Drill Hall is an existing, well established community facility. Whether the Hall wishes to relocate is a matter for the management of the Hall; this application relates to an extension to an existing community facility and the proposal has been treated on its own merits.

5.11.6 The population of this area of Chepstow will increase significantly in the next 10 years as there are two large brownfield housing developments on historic industrial sites close to the River Wye, close to The Drill Hall. These developments will add pressure on on-street parking. It is acknowledged that some of these new residents will require extra parking spaces and the Drill Hall Car Park is in walking distance from most of these new dwellings. However, as long as the car park is carefully managed, there should be no significant parking issues. There are also ample parking spaces in the other public car parks in the centre of Chepstow to serve users of The Drill Hall and other town centre uses.

## 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 WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## 6.0 RECOMMENDATION: Approve

Conditions:

Condition No.	Condition
1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
4	Prior to installation of the hereby approved solar panels, full details of the solar panels shall be submitted to and approved in writing by the

	Local Planning Authority. The solar panels shall be built in accordance with the approved details.
5	a) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. b) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the extensions, hereby approved, being brought into use, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6	No development shall take place until full details of the hereby approved bike store has been submitted to and approved in writing by the Local Planning Authority. These details shall be carried out and completed prior to the approved extensions being brought into use.
7	No development shall take place until full details of the hereby approved electric car charging point have been submitted to and approved in writing by the Local Planning Authority. These details shall be carried out prior to the approved extensions being brought into use.
8	No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
9	No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
10	An emergency flood evacuation management plan/statement shall be submitted to and approved by the Planning Authority prior to any works commencing on site. The development shall be managed in accordance with that approved emergency flood evacuation management plan/statement.

**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).

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 birds is between March and September

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

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member. Please refer to the letter (ref: MON2274/HB) from GGAT for more information.

Please refer to the letter from Welsh Water (ref: PLA0030530) for more information.

DC/2017/01336

## PROPOSED DEVELOPMENT OF 2 no. FOUR BEDROOM DETACHED HOUSES WITH ONE GARDEN STUDIO

PEN-Y-BRYN, OAKFIELD ROAD, MONMOUTH NP25 3JJ

### RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 22/11/2017

#### 1.0 APPLICATION DETAILS

1.1 Pen-y-bryn is a large residential dwelling on a substantial plot that is located in the northern part of Monmouth in an area where there are a mix of different properties that vary in scale and design. The application relates to the submission of reserved matters relating to the previous outline application for two dwellings within the residential curtilage of the dwelling. The application seeks consent for the appearance and scale of the dwellings, the layout and the landscaping of the site.

1.2 The proposed dwellings would have a contemporary design consisting of different modular elements with a flat roof and one central pitched gabled element. House 1 would be sited in the eastern part of the site and would measure 13.5m in length and 11.8m in width. House 2 would be sited in the western part of the site and would measure approximately 15.2m in length and 12m in width. The dwellings would have various roof heights measuring 7.4m at its highest point (at the ridges of the pitched roofed elements). The proposed dwellings would have four bedrooms and their proposed scale and design are outlined on the submitted amended plans - Drg. No's 5101P01A, 5101P02A, 5101P03A, 5101P04A, 5101P05A, 5101P016A and 5101P07A. The proposed materials for the building include natural slate for the pitched roof element with the flat roof being constructed with an EPDM flat roofed membrane, the external walls of the contemporary buildings would consist of natural stone, white render and timber cladding. The door and window openings would be constructed of aluminium and have timber surrounds. The submitted site plan Drg. No 5101P07A also outlines the landscaping of the site including boundary treatments between the neighbouring properties.

#### 2.0 RELEVANT PLANNING HISTORY

DC/2013/00153 Proposed development of 2no four bedroom detached houses with double garages Approved November 2014

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### Strategic Policies

- S13 Landscape, Green Infrastructure and the Natural Environment
- S16 Transport
- S17 Place making and design

##### Development Management Policies

- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations

H1 Development in main towns  
MV1 Highways Safety  
NE1 Nature Conservation and development

## 4.0 REPRESENTATIONS

### 4.1 Consultations Replies

Monmouth Town Council – Recommends refusal.

- Invasion of privacy
- Contravened the outline permission as that included a condition that the bushes and trees would remain. Bushes have been removed and trees pollarded
- Outline permission did not have windows looking into neighbours property
- No sign of a summer house on the boundary, one is now in position.

MCC Highways Officer – The Highway Authority are mindful of the extant outline planning approval; therefore there is no objection with regards to the proposed entrance to the access road of the proposed dwellings, nor is there any objection to the construction materials of the access.

Tree Officer – The arboricultural information submitted is acceptable and will enable me to make informed comments in respect of tree protection. The suggested tree protection condition should be appended to any planning approval.

Dwr Cymru Welsh Water – No objection to the proposed reserved matters subject to the conditions imposed on the outline consent

### 4.2 Neighbour Notification

There have been objections received from six of the neighbouring properties that have outlined the following concerns with the proposed development:

- A significant amount of onsite clearing has taken place since the submission of the outline planning application and this is contrary to the imposed condition (5) that outlined that no trees were to be removed.
- Concerns that the windows on the west and north elevation of house number two would harm the privacy of the occupiers of Rydal and Falstaff.
- Concerns that the garden studio would be overbearing and overshadowing
- Would like a condition to create a solid boundary fence.
- Objections to the inclusion of a balcony on the south elevation of house one as it harms the privacy of neighbouring properties
- Concerns over the drainage of the properties
- The headlight of parked cars would harm the amenity of neighbouring properties
- This development, by design and location, is monstrous. The proposed architectural design in no way blends in with the surrounding properties. It looks more like an industrial building.
- Implications of the noise and light from the vehicle parking area, and loss of privacy and magnificent views from White Gables.
- Grounds of the house concerned have been used in the past by the parish council for events.

## 5.0 EVALUATION

### 5.1 Visual impact

- 5.1.1 The principle of constructing two dwellings at the site has been previously established under the outline planning permission DC/2013/00153. The proposed scale and contemporary design for the dwellings is considered to be acceptable. The design of is considered to be of a good standard and there is a palette of materials that are considered to be appropriate for the site and the area. The use of natural stone reflects the existing stone boundary walls at the site and the render and the timber cladding of the flat roof elements would reduce the buildings' mass and scale. The proposed dwellings are of a distinctive modular design and when viewed together would be symmetrical and complement each other. The proposals would introduce a more modern design element to the area but this is not harmful and moreover the visual impact of the resultant buildings is limited. The site is contained from view within the rear garden of Pen-y-bryn and would not be at all prominent from public vantage points. There would be distant views from Oakfield Road, although the proposed development would have minimal visual impact.

The scale of the proposal, its contemporary design and its form would be appropriate for this secluded site. The resultant dwellings would not have a detrimental impact on the appearance of the street scene and the introduction of modern design and different building techniques is welcomed. The proposed external finishes include natural stone and slate which are wholly acceptable and would result in the dwellings harmonising with others in the area. The development would be of a good standard of design and would be in accordance with Policies DES1 and EP1 of the Local Development Plan (LDP).

- 5.1.2 The proposed layout of the plot is also considered acceptable. The site plan outlines a mixture of stone boundary walls, solid timber fencing and landscaping. The site plan shows an adequate amount of space for the parking of vehicles and for on-site turning. The proposed access was approved within the previous outline scheme and the design and visual impact of this access point is considered to be acceptable. The proposed dwelling would respect the existing form, scale siting massing, materials and layout of its setting and would be in accordance with policies DES1 and EP1 of the LDP.

### 5.2 Residential amenity

- 5.2.1 The proposed dwellings would not obstruct any natural light to an unacceptable level and it would not result in any unacceptable overlooking issues. The site is surrounded by residential properties and therefore the development has been amended to take into concerns raised by the neighbouring properties since the original submission of the scheme. The proposed development would have some impact on the amenity of the neighbouring properties but would be in accordance with guidelines in relation to privacy and would conform to the terms of policies EP1 of the LDP. The proposed windows on the eastern elevation of house 1 are close to the boundary of White Gables but would serve bathrooms; thus, it is considered appropriate that these windows are obscured glazed to protect the privacy of the occupiers of the neighbouring dwelling. A condition would be added if permission is granted to ensure the use of obscure glazing for these windows in perpetuity. In relation to house 2 the proposed windows on the ground floor would have a similar impact on the neighbouring property, Rydal's privacy. Given the difference in levels between the properties the impact on privacy would be noticeable and to meet the neighbouring party's requests the applicant has proposed a solid timber boarded fence along the boundary between the properties to ensure that the privacy of Rydal is protected. The proposed first floor windows to serve

the bedroom and bathroom would be approximately 11m from the boundary of the neighbouring properties which is considered to be an acceptable intervening distance between the properties. In addition given the oblique view and intervening distance from the proposed first floor window on the front (northern) elevation, this relationship would not have a detrimental impact on any party's privacy. On balance, the proposed first floor windows would have an acceptable impact on the privacy of the neighbouring properties to the west. The intervening distances at the rear of the properties would be a minimum of 12.6m to the boundaries and this is considered to be acceptable. The proposed balconies on the rear elevations would not have an unacceptable impact on any other party's privacy to warrant refusing the application.

5.2.2 The proposed site plans also outline the layout of the car parking for each dwelling but concerns have been raised in relation to headlights causing a nuisance to the amenity of the nearby householders. On balance given the existing arrangement at the site in terms of large mature hedgerows on the west boundary (Falstaff) and that the parking area is replicated in the neighbouring property at White Gables that the impact of the vehicles movements would not be unacceptable. A condition to ensure that the hedgerow on the western boundary is retained in perpetuity would be added to any consent that is granted. The resultant dwellings would not be overbearing to the neighbouring occupiers and would not significantly alter the amount of light they receive. Subject to the conditions in relation to the obscure glazing of windows and the walls to screen light from vehicles accessing and parking at the site, the proposed development is considered to have an acceptable impact on the neighbour amenity and would be in accordance with Policy EP1 of the LDP.

5.2.3 The proposed dwellings would utilise the previously approved access point and therefore the impact on highway safety is considered to be acceptable. The site would have satisfactory parking provision and vehicle manoeuvring could be conducted on-site. The Council's Highways Officer has raised no concerns regarding the development. The proposed development would not harm highway safety and is considered to be in accordance with Policy MV1 of the LDP.

### 5.3 Response to Monmouth Town Council

5.3.1 As outlined in section 5.2 the proposed dwellings are not considered to have an unacceptable impact on the privacy of the neighbouring properties. The applicant has worked closely within the Council's Tree Officer to ensure that any trees at the site that are of value are retained within the resultant development. The Tree Officer is satisfied with the proposed development. The previous application did include potential garages and thus it is considered acceptable for the reserved matters application to consider the inclusion of a relatively modest garden studio as part of the reserved matters application. The proposed garden studio is considered to be of an acceptable scale; once the dwelling was built, a similar type of structure could be erected within a rear garden without the need for planning consent.

### 5.4 Response to third party representations

5.4.1 As outlined above (section 5.3) any clearing of landscaping at the site has been conducted with the Council's Tree Officer's approval and any trees of value are to be retained within the final scheme. Any consent would include conditions in relation to obscure glazing to protect neighbours' privacy as well as screening to obstruct light from vehicles. The proposed balconies on the rear elevations of the properties would be an acceptable distance from the boundaries and would not have an unacceptable impact on any other party's privacy. The proposed garden studio would not be overbearing and would not obstruct access to sunlight. The garden room would be



sited 2m from the boundary, would be approximately 3.3m in height and be sited to the east of Rydal. It is not considered that it would have an unacceptable impact on the amenity of the neighbouring dwelling. The applicant has also outlined that a solid timber close boarded fence would be erected at the site that would obstruct views between the neighbouring parties. The erection of this fence would be a condition of if consent is granted.

With regards to drainage the applicants have outlined that soakaways will be constructed at the site which, given the size of the site is considered to be acceptable in principle. The technical details of the proposed drainage solution would need to meet the Building Regulations. Building Control Officers have advised that the proposed scheme looks acceptable in principle. There have been concerns made in relation to the proposed design of the dwellings but as outlined in section 5.1 the proposed scale and design of the dwellings are acceptable in this particular location. The development would not be detrimental to the character and appearance of the area. The loss of views from neighbouring properties and the previous use of the large residential curtilage for functions are not material planning considerations.

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

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

### 6.0 **RECOMMENDATION: APPROVE**

#### Conditions/Reasons

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

#### Pre-commencement conditions

3. The existing hedgerow on the western boundary outlined on Drg 5101/P07 A shall be retained and maintained at a minimum height of 2m. If the hedgerow is removed or dies a 2m high solid timber close boarded fence shall be erected along the boundary with Falstaff and Harbrow within three months of the hedgerow either being removed or dying.  
Reason: To protect the residential amenity of the neighbouring properties.

#### Regulatory or other conditions

4. Before the approved development is first occupied the access shall be constructed in accordance with the approved plans

Reason: To ensure the access is constructed in the interests of highway safety.

5. The windows in the first floor of the east elevation of house 1 shall be obscure glazed and fixed pane to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

Reason: To protect residential amenity.

6. All screen walls and fences relating to the dwellings outlined on Drg 5101/P07 A shall be erected before the dwellings are occupied or completed whichever is the sooner and retained in perpetuity.

Reason: To protect local residential amenity.

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/01/18

gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17.01.2018

## Appeal Decision

Site visit made on 03/01/18

by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 17.01.2018

**Appeal Ref: APP/E6840/A/17/3181916**

**Site address: Upper Llananant Farm, Pentwyn Lane, Penallt, NP25 4AP**

**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 & Mrs P Price against the decision of Monmouthshire County Council.
- The application Ref DC/2016/01206, dated 18 October 2016, was refused by notice dated 27 April 2017.
- The development proposed is the construction of a new garden storage building.

## Decision

1. The appeal is allowed and planning permission is granted for the construction of a new garden storage building at Upper Llananant Farm, Pentwyn Lane, Penallt, NP25 4AP, in accordance with the terms of the application, Ref DC/2016/01206, dated 18 October 2016, and the plan submitted with it (as subsequently amended), subject to the following conditions:
  - 1) The development shall begin not later than five years from the date of this decision.
  - 2) The development shall be carried out in accordance with the following approved plan: Drawing No. 16.761/100/01A.
  - 3) Prior to the commencement of development, details of compensatory priority habitat shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with a timetable approved by the local planning authority, and confirmation of completion of planting shall be notified to the local planning authority.
  - 4) Prior to the commencement of development, detailed proposals for the protection of trees (comprising an arboricultural method statement and a tree protection plan) shall be submitted to and approved in writing by the local planning authority. The proposals shall be implemented as approved.
  - 5) Notwithstanding the provisions of schedule 2, part 1, class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without

modification), no buildings shall be erected other than those expressly authorised by this permission and shown on the plan detailed above.

### **Procedural Matters**

2. The right of appeal is vested in the party who made the original application. Thus, although the appeal form is in the name of "Mr Philip Price", I have taken the appeal to have been made by "Mr & Mrs P Price".

### **Main Issue**

3. The main issue in this case is the effect of the proposed building on the character and appearance of the area, taking into account its location in the Wye Valley Area of Outstanding Natural Beauty.

### **Reasons**

4. The proposed storage building would be some 14 metres long and 9 metres wide with a ridge height of 4 metres, having been reduced in size twice following pre-application advice and subsequent further comments after the application had been submitted. Its walls would be clad in larch or cedar cladding, and it would be located in a woodland area within the curtilage and to the west of the substantial dwellinghouse, close to a rural lane. Apart from a small shed to the south of the house, the property has no outbuildings or garage facility, and it is reported that the proposed building would be used for the safe storage of cars, equipment and tools and for the provision of a workshop.
5. The local planning authority refused the application because it considered the scale and mass of the building to be excessive and not of a domestic scale and that it would be harmful to the natural beauty of the Wye Valley AONB. I do not agree with that assessment. Although the building would be larger than most ancillary domestic buildings, its size is not unreasonable in the context of the substantial size of the host property and its grounds. The domestic curtilage is quite extensive and includes an area of woodland.
6. As to its effect on the character and appearance of the area, I consider its timber cladding and partial screening from the adjacent highway would substantially reduce its visual impact. Although it would be seen from the road, I do not consider it would unacceptably affect the character and appearance of the area or the natural beauty of the wider AONB. As such, my conclusion is that it would not conflict with any of the development plan policies referred to by the Council, namely policies S13, S17, LC4 and DES1 of the adopted Monmouthshire Local Development Plan, or with the Council's relevant supplementary planning guidance.
7. For the reasons given above I conclude that the appeal should be allowed and that planning permission should be granted subject to a number of relevant and necessary conditions, as described below and based on the conditions put forward in the Council's committee report.
8. 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.

9. Finally, turning to the conditions to be applied, in addition to the standard time limit for commencement of development and reference to development in accordance with the specified drawing, conditions are needed for the provision of compensatory priority habitat and for the protection of further trees as an area of ancient woodland has already been cleared over the proposed siting of the building. A condition is also needed to limit certain permitted development rights to prevent the uncontrolled proliferation of outbuildings in the AONB, though not covering all of the classes of development suggested by the Council.

*Clive Nield*

Inspector

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**New Appeals 20/12/18 to 20/1/18**

<b>Local Ref</b>	<b>Appeal Site Address</b>	<b>Reason for Appeal</b>	<b>Type of Appeal</b>	<b>Date Lodged</b>
DC/2017/01052	36 Leechpool Holdings PORTSKEWETT NP26 5TZ	Refusal of the use of a domestic garage within the property as working from home for the repair of agricultural machinery and motors, not requiring separate planning consent, but ancillary within the overall dominant primary residential use.	Written Representations	22/12/2017
DC/2017/01271	1A Chapel Road Abergavenny NP7 7DN	Refusal of change of use of building from dwelling house to two dwelling houses.	Informal Hearing	04/01/2017

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