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County Hall
Rhadyr
Usk
NP15 1GA

The person dealing with this matter is: Democratic Services
Telephone: 01633 644219

Date: 20-Nov-15

Dear Councillor,

PLANNING COMMITTEE SITE INSPECTIONS

Site inspections for the planning applications will be held on **ENTER DATE OF SITE VISIT** at the times indicated below.

The inspections will commence from **County Hall, The Rhadyr, Usk, NP15 1GA** where a minibus will be provided to transport Planning Committee Members to the sites. The Planning Committee will therefore depart from County Hall at **9.00 am**.

Local Members who have been invited to attend sites within their ward are asked to make their own way to the site due to limited spaces on the minibus.

ITINERARY

Time	Application
1.	Apologies for Absence
2.	Declarations of Interest
3.	To confirm for accuracy the minutes of the previous meeting
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached)
1.1.	DC/2012/00685 - DEMOLITION OF EXISTING WOOLAWAY BUNGALOW & REPLACEMENT WITH A SINGLE DWELLING - KIMBERLEY, THE NARTH, MONMOUTH, NP25 4QN RECOMMENDATION: APPROVE
1.2.	DC/2014/00998 - VARIOUS SIGNS IN ASSOCIATION WITH PROPOSED MCDONALDS DRIVE THROUGH RESTAURANT - WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST RECOMMENDATION: APPROVE
1.3.	DC/2014/00999 - 6 NO. FASCIA SIGNS IN ASSOCIATION WITH PROPOSED

MACDONALDS DRIVE THROUGH RESTAURANT - WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST

RECOMMENDATION: APPROVE

1.4. DC/2014/01000 - MCDONALD'S DRIVE THROUGH RESTAURANT - WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST

RECOMMENDATION: APPROVED

1.5. DC/2014/01001 - THE INSTALLATION OF A FREESTANDING 8M HIGH TOTEM SIGN - WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST

RECOMMENDATION: REFUSE

1.6. DC/2014/01468 - RESIDENTIAL DEVELOPMENT TO PROVIDE 209 DWELLINGS, RECONFIGURED ACCESS, PUBLIC OPEN SPACE AND OTHER ANCILLARY WORKS - SUDBROOK PAPERMILL SUDBROOK

RECOMMENDATION: REFUSE

1.7. DC/2014/01489 - DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW RESIDENTIAL DWELLING WITH ASSOCIATED ACCESS, CURTILAGE AND LANDSCAPING WORKS - PWLL Y CATH, NEWCHURCH, DEVAUDEN

RECOMMENDATION: REFUSE

1.8. DC/2015/00688 - RESIDENTIAL DEVELOPMENT TO PROVIDE 5 DWELLINGS (INCLUDING 60% AFFORDABLE HOUSING) AND ASSOCIATED WORKS AND THE PROVISION OF A NEW VEHICULAR ACCESS - LAND AT SHIRENEWTON (LDP ALLOCATION SITE SAH11 xiv) b))

RECOMMENDATION: APPROVE

1.9. DC/2015/00895 - EXTENSION OF PARKING AREA AND CREATION OF OVERFLOW PARKING AREA FOR HUMBLE BY NATURE FARM VISITOR ATTRACTION - HUMBLE BY NATURE, UPPER MEEND FARM, LYDART, MONMOUTH

RECOMMENDATION: APPROVE

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MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the Planning Committee held in the Council Chamber, County Hall,
Usk on Tuesday 6th October 2015 at 2.00 p.m.**

PRESENT: County Councillor R. Edwards (Chairman)

County Councillors: D. Blakebrough, P.R. Clarke, D. Dovey, D.J. Evans, R.J.C. Hayward, P. Murphy, M. Powell, B. Strong, F. Taylor, P. Watts and A.M. Wintle.

OFFICERS IN ATTENDANCE:

Mr. M. Hand	-	Head of Planning
Mr. P. Thomas	-	Development Services Manager
Mrs. P. Clarke	-	Planning and Enforcement Manager
Mrs. J. Coppock	-	Development Plans Manager
Mr. M. Davies	-	Development Plans Manager
Mrs. J. Draper	-	Development Control Officer
Mrs. S. Wiggam	-	Senior Strategy & Policy Officer
Mr. R. Tranter	-	Head of Legal Services
Mrs. S. King	-	Senior Democratic Services Officer

APOLOGIES FOR ABSENCE

1.- Apologies for absence were received from County Councillors D. Edwards, R. Harris, J. Higginson and A.E. Webb.

DECLARATIONS OF INTEREST

2.- Declarations of interest are noted under the relevant minute item.

MINUTES

3.- The minutes of the Planning Committee meeting held on 8th September 2015 were confirmed and signed by the Chairman.

MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN ANNUAL MONITORING REPORT

4. - We received the Monmouthshire Local Development Plan Annual Monitoring Report which outlined the purpose, key findings and conclusions of the Local Development Plan (LDP) first Annual Monitoring Report (AMR).

In response to a request from Councillor Frances Taylor, it was agreed that Local Transport Plan (LTP) priorities including the Magor and Undy Walkway Rail Station

**Minutes of the Planning Committee
dated 6th October 2015 continued**

would be monitored in future AMRs. Reference will be added to the current AMR to this effect.

We resolved to agree the recommendation within the report:

To note the contents of the LDP first AMR for submission to the Welsh Government by 31 October 2015.

PLANNING APPLICATIONS

5. - Planning applications considered at the meeting were dealt with in the order outlined in the agenda.

We received the report presented by the Head of Planning and the Development Services Manager and resolved that the following applications be approved subject to the conditions outlined in the report:

Application DC/2014/01519†* - PROPOSED CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS 2, 3 AND 4 INTO RESIDENTIAL USE – TWO DWELLINGS FIVE LANES FARM, CAERWENT

Application DC/2015/00405†* - DEMOLITION OF EXISTING GARAGE/OUTBUILDING AND PROPOSED NEW DETACHED DWELLING INCLUDING PARKING ON PLOT AND SERVICES LAND BETWEEN 11 & 12 THE COURTYARD, PLAS DERWEN VIEW, ABERGAVENNY

Officers confirmed that a condition would be added relating to the construction management plan.

Application DC/2015/00833†* - PROVISION OF ADDITIONAL 6M HIGH LIGHT COLUMNS AROUND THE SITE CHEPSTOW COMPREHENSIVE SCHOOL, WELSH STREET, CHEPSTOW NP16 5LR

County Councillor D. Dovey declared a personal and prejudicial interest, pursuant to the Members' Code of Conduct, as school governor.

Notes

† Denotes that objections were made to these applications.

* Denotes that late correspondence was received in respect of these applications.

We resolved that the following application be refused:

Application DC/2013/00456†* - CHANGE OF USE TO THE STORAGE AND REPAIR OF LIGHT MOTOR VEHICLES; STORAGE AND REPAIR OF UP TO TWO HGV MOTOR VEHICLES AND A TRAILER; RETENTION OF

**Minutes of the Planning Committee
dated 6th October 2015 continued**

**VEHICLE WASHING AREA AND ANCILLARY PARKING LAND
INCLUDING NEW BARN WORKSHOPS, TINTERN ROAD, ST ARVANS**

The following applications were considered where debate ensued.

- (a) **Application DC/2010/00670†* - RESIDENTIAL DEVELOPMENT OF 8 UNITS, COMPRISING OF A 1 BED FLAT, A 2 BED FLAT ABOVE FOUR CAR PORTS AND 6 NO THREE-BEDROOM HOUSES AND ALL ASSOCIATED WORKS. LAND TO THE REAR OF 34 TO 39 CROSS STREET, OFF BEILI PRIORY, ABERGAVENNY**

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

Mr. P. Kelly, Director of the applicant company owning the site, attended the meeting by invitation of the Chairman and outlined the following points:

- The application was considered as sustainable, as it was on brownfield site and close to the town centre.
- Conveniently located to walk to work/shops and public transport hub is behind the site.
- The on-site archaeological dig had unearthed items, which had been donated to museum by the applicant.
- National Resources Wales had confirmed that the brook does not run under the site.
- There was nothing to add to the case officer report and recommendations were endorsed.

A member of the committee presented a letter sent by 6 residents, which suggested that there was not sufficient information for the application to be considered and that it should be deferred. Officers confirmed that an assessment had been undertaken regarding the impact of the conservation area and expert heritage officers had offered no objections subject to the conditions in the late representations paper.

Having considered the report and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2010/00670 be approved subject to the conditions, as outlined in the report.

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

For approval	-	9
Against Approval	-	0

**Minutes of the Planning Committee
dated 6th October 2015 continued**

Abstentions - 3

We resolved that application DC/2010/00670 be approved subject to the conditions, as outlined in the report.

(b) **Application DC/2015/00210†* - EXTEND EXISTING DWELLING TO FORM A NEW RESIDENTIAL DWELLING (61A). 61 PARK CRESCENT, ABERGAVENNY.**

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

Mr Spencer, objecting to the application, attended the meeting by invitation of the Chairman and outlined the following points:

- Concerns were expressed regarding Health and Safety, vehicle access, bus route and that the area was a busy thoroughfare, particularly during the school run.
- The new dwellings will take up half of the area with potential for further development and loss of privacy to adjacent dwellings.
- If the committee were minded to approve, could conditions be added which prevent development on the remainder of the site.

Mr. P. Thomas, attended the meeting by invitation of the Chairman and outlined the following points:

- The objective was to renovate neglected bungalow and build mirror image. When the original land was sold it was two building plots but only one had been built.
- This was not an application where a property was being shoe horned into a garden.

Having considered the report and the views expressed, it was proposed by County Councillor M. Powell and seconded by County Councillor P. Murphy that application DC/2015/00210 be approved subject to the conditions, as outlined in the report.

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

For approval	-	12
Against Approval	-	0
Abstentions	-	0

We resolved that application DC/2015/00210 be approved subject to the conditions, as outlined in the report.

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dated 6th October 2015 continued**

(c) Application DC/2015/00854†* - PROPOSED REPLACEMENT DWELLING<. FERN LEA, TRELLECH CROSS, TRELLECH NP25 4PX.

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

Mr A. Thomas, objecting to the application, attended the meeting by invitation of the Chairman and outlined the following points:

- Community council concerned as proposed development is out of character and not fitting rural area of AONB.
- Development contributed in no way to protection and enhancement of AONB.
- Current proposal falls short of enhancement, feels it would not have neutral effect but negative one.

Mr Powell, attended the meeting by invitation of the Chairman and outlined the following points:

- The Head of Planning had made a balanced judgement which was supported by National Resources Wales, Highways, Welsh Water and officers.
- The report did not refer to extensive pre-application discussion, which is a welcome discussion for officers to provide advice and helpful for the applicant.
- Proposed dwelling is not of the mass house building. AONB was considered. Planning system should take account to conclusions reached by pre-app discussion. Comments made seem to be unsustainable.

It was proposed by Councillor F. Taylor and duly seconded, that the application should be deferred and views should be obtained from the AONB.

Having considered the report and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2015/00854 be approved subject to the conditions, as outlined in the report.

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

For approval	-	6
For request to AONB further comment	-	5
Abstentions	-	0

**Minutes of the Planning Committee
dated 6th October 2015 continued**

We resolved that application DC/2015/00854 be approved subject to the conditions, as outlined in the report.

(d) **Application DC/2015/00390 & 00392†* - APPROVAL OF ALL MATTERS RESERVED EXCEPT FOR ACCESS (OUTLINE APPLICATION APPROVAL REFERENCE DC/2013/00368) LAND AT WONASTOW ROAD, MONMOUTH**

We considered the report of the application which was recommended for approval subject to the conditions, as outlined in the report. We noted that applications DC/2015/00404 and DC/2015/00921 would also be considered by the Planning Committee, these related to the formal discharge of planning conditions of outline permission DC/2013/00368.

The committee discussed the provision of affordable housing within the site and some concerns were expressed that this was 30% and not the recommended 35%. In response, Officers advised that they were satisfied with 30% and the figure was justified, the LDP allowed for each site to be considered on an individual basis.

Concerns were expressed regarding the apparent lack of infrastructure surrounding the proposed site, e.g. parking, town facilities.

Officers reminded the committee that sites were allocated within the LDP and this was agreed by full Council. Issues surrounding infrastructure would have been addressed early in the process and outline planning permission had already been granted. The appropriate and proper sequence of events had been adhered to.

We were informed that officers had further discussed design and detail of the properties within the site and these had been significantly improved through negotiation, which complemented the surrounding area.

The committee thanked the team for the work and negotiations that had taken place, which ensured that the site would be developed in accordance with Monmouthshire requirements and detail had been included as a condition within the application. Further sites in the area would be developed in accordance with this.

Members recognised the significant improvement of those properties initially proposed, compared to the updated current properties included within the application.

Having considered the report and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that applications DC/2015/00390, DC/2015/00392, DC/2015/00404, DC/2015/00921 and DC/2013/00368 be approved subject to the conditions, as outlined in the report.

**Minutes of the Planning Committee
dated 6th October 2015 continued**

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

For approval	-	7
Against approval	-	2
Abstentions	-	0

We resolved that applications DC/2015/00390, DC/2015/00392, DC/2015/00404, DC/2015/00921 and DC/2013/00368 be approved subject to the conditions, as outlined in the report.

The meeting ended at 5.35 p.m.

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DC/2012/00685

DEMOLITION OF EXISTING WOOLAWAY BUNGALOW & REPLACEMENT WITH A SINGLE DWELLING

KIMBERLEY, THE NARTH, MONMOUTH, NP25 4QN

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 20th May 2015

1.0 APPLICATION DETAILS

- 1.1 This application relates to a modest 'Woolaway' bungalow situated on a generous plot. The application site also includes an area to north of the site that is partly sub-divided by a hedgerow. The existing bungalow was built in the 1960's using the Woolaway pre-cast construction; this is set back from the highway with the majority of the garden area concentrated to the front. There is a line of mature trees that run upon the neighbour's property to the east of the site and demarcate the common boundary. There is a bungalow to the south of the site, with a dormer bungalow to the north of the site.
- 1.2 The Narth is characterised by a mixture of house types. In the immediate proximity of the site the road serves dwellings that are predominantly dormer bungalows.
- 1.3 This application has been subject to a number of amendments, in that it was originally submitted as two dwellings. The proposal has been replaced with a single larger dwelling which has been reduced in scale during the course of this application. There has also been changes proposed regarding the proposed drainage, the most current up to date proposal seeks to install a cesspool to the south-west of the site.
- 1.4 The proposed dwelling has been designed as two wings with a central connecting element, each wing measuring 12m and 15m in length for the northern and southern wing respectively, and both wings being one room deep measuring 5.3m. All first floor windows have been restricted to the front and internal elevations facing into the courtyard. There are no first floor viewpoints from standard windows facing across the neighbouring properties north, south and east. There are roof lights that face north and south, although these are set at a higher level, (the cill is at 1.9m above finished floor level). The central element is dropped down lower than the two wings and the apex points of both wings are off centre so the eaves of the property on the northern and southern side are lower than the internal elevation. The site layout creates a private central courtyard to the rear of the dwelling.
- 1.5 The proposed dwelling is centrally located in terms of width and frontage, although the dwelling has been set back on the plot towards the rear. The dwelling has been dropped in level on site by 1m on the northern side of the dwelling with a retaining wall of 1m in height proposed to facilitate the drop in levels. The proposed dwelling measures 3.4m to eaves on the north side and 3.5m on the south side, and in both cases the ridge height of the two wings is 6.5m, although on the north side due to the drop in levels the ridge height would be 5.5m.

1.6 A double garage is proposed to the north-west boundary placed into the corner of the plot. As with the proposed dwelling the garage has been designed with an off centre apex with the eaves set lower adjacent to the boundary to the north of the site. At the closest the garage is situated 1.2m from the common boundary. The garage measures 6.6m in depth and 6.3m in width, eaves height is 2.2m ridge height is 4.9m, from the neighbour to the north; due to the drop in levels this height will read as 0.34m to eaves and almost 4m to ridge.

1.7 External materials proposed for the house and dwelling are:

Walls

Plinths: Buff coloured reconstituted stone facing blocks flush pointed in lime rich mortar

Above plinths: cream textured render

Above string course: Grey painted horizontal larch boarding with laced board corners

String course: Buff Coloured Reconstituted Stone Plinth Blocks

Roof: Natural Grey slate roof

Windows and Doors: Dark Green powder coated aluminium casement windows and doors.

Bays and Dorner window: Planed Air Dried European Oak Framing Dark Green powder coated aluminium casement windows

Fascia: Grey painted larch chamfered fascia and bargeboards

Rainwater goods: Black cast type sectional half round gutters

1.8 A new access is proposed central to the plot, and the existing access would be blocked up. The hedgerow is to be relocated behind the visibility splays. There are five new trees proposed on site. The existing hedgerows along the other common boundaries, where in the control of the applicant, are to be retained.

1.9 The site frontage measures approximately 38m, while the next largest plot along this frontage is approximately 34m. In terms of depth this plot along with that of Kynance immediately to the south is also deeper than the neighbouring properties along the lane, measuring approximately 34m in depth.

1.10 The Design and Access Statement submitted with this application states:

“The road features mostly modern houses of varying styles and heights. The North is known for its organic mix of houses and bungalows of varying ages and styles. The proposed new dwelling attempts to make a positive addition to this mix keeping a simple, vernacular style. ...Woodfield side, the neighbouring dwelling, sits to the north west of the plot. By cutting the proposed building at Kimberley into the ground, we have ensured that the ground floor level of the proposed building is 0.16m lower than the existing ground floor level of Kimberley. As a result, we have ensured that the roof ridge of the proposed building is nearly 1.5m lower than the roof ridge of Woodfield Side and only 1.665m higher than the roof ridge of the existing bungalow the proposed building replaces. This ensures that the row of properties step down North Lane, following the profile of the ground.”

2.0 RELEVANT PLANNING HISTORY

DC/2013/00389 Demolition of existing woolaway bungalow and construction of 2 no. three bedroom dwellings Withdrawn

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

Development Management Policies

S1: Spatial Distribution of New Housing
S17: place Making & Design
H3: Residential Development in Minor Villages
EP1: Amenity and Environmental Protection
DES1: General Design Considerations
NE1: Nature Conservation and Development
EP3: Lighting

4.0 REPRESENTATIONS

4.1 Consultations Replies

Trellech Community Council: Whilst previously recommending approval there are still significant concerns about the details and suitability of the proposals. Insufficient information about drainage and visibility splays (these are the most recent comments from the Community Council following the latest revised plans which detail a different foul drainage system and the visibility splays will be reported as Late Correspondence to Planning Committee).

MCC Highways: The application site is located off the existing rural County highway (C50-8) with a posted derestricted speed limit of 60mph. The highway is a metalled single lane circa 2.5m in width and is generally bounded by hedgerow within the vicinity of the application site. The highway serves a number of other dwellings north of the site.

A revised drawing has been submitted demonstrating that a single detached 4 bedroom dwelling is proposed with a repositioned single access to the dwelling. The existing access will be closed permanently as part of the scheme with the new access positioned central to the site to maximise visibility in both directions. The available visibility from the proposed access has not been shown however it is considered to be an improvement when compared to the existing access which has very limited visibility to the southeast.

As part of the revised scheme there is a detached double garage and open courtyard parking area. The Monmouthshire Parking Standards 2013 specifies 1 car parking space to be provided per bedroom per property with a maximum of 3 spaces per property. Based on the proposed 4 bed dwelling there is a requirement for 3 car parking spaces which can be accommodated within the courtyard parking area without needing to consider the detached double garage. The proposal therefore meets the standards contained in the Monmouthshire Parking Standards.

In light of the revised proposals there are no highway grounds to sustain an objection to the application subject to relevant conditions being applied to any grant of planning approval.

Monmouthshire County Council Tree Officer:

I have been made aware of the presence of a line of maturing trees within the boundary of the property immediately to the north of the application site. Aerial photography shows that the crowns of the trees overhang the application site and, inevitably, their root systems will extend into it. Accordingly they are now considered a material consideration of this planning application.

Root Protection Areas (RPA) of retained trees on development sites as described in British Standard 5837:2012 – *Trees in relation to Design, Demolition and Construction* - Recommendations are calculated as being a distance of 12 times the diameter of the main trunk of a tree. Any construction or demolition activity within the RPA requires that special measures are taken to ensure that trees are not adversely affected.

The Design and Access Statement merely states that it is intended to construct soakaways under the trees which in my opinion will be well inside the RPA of this tree line. However, there is no supporting arboricultural information on any measures to mitigate damage to the root systems. This application therefore does not contain sufficient arboricultural information for me to make a properly informed decision. It is important that the LPA is satisfied that this proposal may be undertaken without a detrimental effect on the trees on neighbouring land. Accordingly relevant conditions are proposed.

Natural Resources Wales: Further details required relating to scale of dedicated bat loft, these details have been submitted and further comments from NRW are to be reported as Late Correspondence.

MCC Ecology Officer: A bat roost was identified in the existing building but there is low confidence in the findings of the survey due to the conditions of the survey and the time passed. Mitigation is to be provided in the loft of the new garage. This will be approximately 2m x5m x5.7m =57m². This mitigation is considered appropriate with access being via a raised ridge tile and bargeboard access.

Welsh Water: has no objection as there is no availability of mains foul drainage connection.

4.2 Neighbour Notification

Many of the neighbour representations submitted to date related to the previous scheme for two dwelling and the previous drainage proposals that sought to use a septic tank. As both scheme have been superseded the neighbour comments that are reported will relate to the latest scheme for one dwelling served from a foul drainage system of a cesspool. To date there have been representations received from 12 different people, and the issues raised that are relevant to the current proposal are set out below:

1. Bat surveys are inadequate
2. Questioned the consultations that were undertaken with neighbours
3. Proposed dwelling is out of keeping
4. The high 5.5m garage to the front of the building line close to the highway is out of keeping
5. The proposed dwelling covers a very large part of what is a small site
7. House is too high with bungalows either side
8. This would destroy the panorama of the entrance to the village
9. The proposed dwelling is two storey with a footprint at least twice the size of the existing dwelling
10. Proposal is out of character and out of proportion with surrounding dwellings

11. Garage will undermine an attractive flowering tree which has been omitted from the plans
12. The proposal will require the removal of an established orchard
13. The garage will impose upon the building line
14. The proposal will easily convert to two dwellings
15. Concern expressed over the siting of the soakaways in line under the mature trees along the boundary. In winter that area holds a lot of water and in wet seasons becomes boggy; channelling the waste from such a large area in that direction will exacerbate the problem
16. The proposal will have a massing effect as this house is too close to the neighbouring properties and does not respect the density of The Narth as the footprint of the dwellings are too large
17. The dwelling is too close to the rear boundary and will increase the sense of oppression
18. To achieve a larger dwelling with a higher ridge the northern end of the proposed dwelling is being lowered at least a metre with the appropriate retaining wall. This will produce a barrier to water table flow affecting all the properties upstream; therefore the retaining wall will need a drainage system of its own
18. All proposals, particularly site layout, should be laid out on the topographical survey and include all properties adjoining the site together with the existing windows to these properties. Good design which takes account of the site constraints should not require tree planting and other landscaping to soften the new building
19. Object to length of built form
20. Overlooking - loss of privacy
21. This part of the village is subject to high water tables, this over-development can only make it worse
22. Neighbour advised previously by planning department they would be unable to build a garage forward of their dwelling
23. Heating measures queried.
24. The proposed development represents a footprint increase from 100 square metres to 230 square metres; the surface water drainage implications for this cannot be absorbed by the trees to the rear of the site
25. Patio door overlooking Kynance imposing upon privacy.

5.0 EVALUATION

The Narth is identified under the Local Development Plan as a Minor Village where small scale residential development will be allowed in the circumstances set out in Policy H3. In this case this is a straightforward replacement dwelling within The Narth village and not considered in the context of being in the open countryside. The issues to consider as part of this application are the following:

Visual Impact
 Neighbour Impact
 Drainage
 Ecology
 Other Issues Raised
 Response to Community Council

5.1 Visual Impact

5.1.1 In the locality, there is no over-riding house type or design, there being a mixture of house types reflecting the various periods when they were built. Within the immediate

vicinity there are dwellings of single storey and one and half storey form; these are bungalows and dormer bungalows that are reflective of their time. The height of the proposed dwelling is akin to a dormer bungalow and reflects the height of other dwellings within the vicinity, although the design has not used the rectangular form prevalent within the area. This has changed the context in how this dwelling is presented on site.

5.1.2 This is a generous plot, arguably the largest plot along this road, accommodating what is currently the smallest dwelling, so this proposal would result in a significant change from the present position. What is important is not the difference between that existing and that now proposed, but whether what is proposed is acceptable from a visual perspective. The footprint of the proposed dwelling sits comfortably on this plot with plenty of space surrounding the dwelling, a significant amount of which is to the side and front of the dwelling minimising any massing impact that may arise. The proposed facing elevation of the proposed dwelling is broadly level with a line drawn between the two adjoining neighbouring plots and sits comfortably within the overall street scene. The proposed garage however is set forward of the dwelling, although this is pushed into the corner of the plot and set behind an existing tree. The garage's eaves height is low with a traditional rural pitched roof and an off centre apex. This proposed garage will not be highly visible within this location and in this case set forward of the dwelling as a detached unit reduces the mass of the built form. Furthermore the garage is an attractive building in its own right, and the design, scale and form of it works well as an ancillary building. Set in context it is considered acceptable. There are no rules regarding garages forward of the building line, each application should be considered on its own merits. In this case the size of the plot can comfortably accommodate the dwelling and garage together in this location. There will be a slight alteration in the context of the street scene with the change in the access point, and the proposed need for improvement in visibility has led to the hedgerow being set back. This has only marginal impact in the short term and still retains the rural frontage to the lane with a mixed indigenous hedgerow.

5.1.3 The quality of the external materials is of a very high quality and uses a mix of modern natural materials to provide a clean, contemporary appearance. The proposal complies with planning policy and is visually acceptable in this case.

5.2 Neighbour Amenity

5.2.1 The proposed dwelling has been designed so that it is set back. The aspect of the property at first floor level faces inwards into a private courtyard and also forward. There are no first floor windows overlooking any of the neighbouring properties, with the rooflights proposed facing the direction of neighbouring properties being positioned so that no vantage point can be gained into neighbouring dwellings. Any windows at ground floor can be mitigated against with appropriate boundary materials.

5.2.2 In terms of the potential massing impact upon the neighbouring properties, measures have been undertaken to minimise the impact this has. With regard to the neighbouring property to the north, the built form of the proposed dwelling and garage runs along this boundary, although the drop in levels coupled with the separation distance ensures that the dwelling will not have an over-bearing impact. The separating distance of 2.75m between the garage and dwelling breaks up this built form and the drop in levels of the garage ensures that the proposal does not have a significant impact upon neighbour amenity. Furthermore there is a mature hedge that forms the common boundary to the north of the site and there are new

trees proposed along the boundary which will further soften the development and improve the context of this new development from the neighbouring viewpoint.

5.2.3 The existing dwelling to the south is set at a lower level than the proposed development, and there is less built form running along the common boundary as is the case with the north but the levels are more of an issue as the site slopes down to the neighbouring dwelling. The levels drawing provided as part of the submission shows that the proposed dwelling would have a ridge level of 56.46m AOD, whereas the level of the existing Woolaway bungalow is 54.8, while the ridge of Kynance is 54.52, a drop of 1.94m. However, in this case the proposed separating distance of 7.1m, increasing to 9.4m, prevents this from having an over-dominating impact. Also the roof has been designed to be at the lowest point facing the common boundary.

5.2.4 With regard to the property to the rear there are significant mature trees in the neighbour's ownership to prevent any overlooking and it is noteworthy that there are no rear ground or first floor windows facing in this direction thus preventing any feeling of oppression arising from the trees being situated in close proximity to the rear of the property.

5.3 Drainage

5.3.1 There have been many objections from neighbouring properties that have been lodged in relation to the previously proposed septic tank. This has since been changed to a cess pool which can be accommodated at the front of the site. The issue of surface water drainage has been raised with regard to the potential concerns regarding the drainage channels feeding into the trees at the rear, this has now been revised featuring an area that measures 171 square metres has been identified to the south of the site as an area for rainwater disposal. The drainage proposal is now acceptable for the purposes of consideration as part of this Planning Application.

5.4 Biodiversity Considerations

5.4.1 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. 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. In the present case Brown Long Eared Bats – European Protected Species – are known to use the application site. The three tests are set out below together with a commentary on each.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The existing Woolaway Bungalow is now in a poor state of disrepair; the quality of the structure is such that is unlikely to provide a suitable family home for any sustained period of time. It is therefore in the public interest that this dwelling is replaced with a more suitable form of development.

- (ii) There is no satisfactory alternative

To extend the dwelling or structurally alter the existing building would be unsatisfactory and is unlikely to retain the existing roost. There is no satisfactory alternative in this case.

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

Comment: Both Natural Resources Wales and MCC Ecology have looked at this proposal to ensure that the proposed new bat roost within the loft space of the garage is satisfactory. This is now the case and the development meets this test accordingly.

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard to the advice of the NRW and the Council's own Biodiversity Officers, it is recommended that conditions are imposed to ensure:

- Compliance with the submitted mitigation/method statement
- Condition for a detailed method statement
- Condition to see evidence of licence
- Control of Lighting

5.5 Other Issues Raised

5.5.1 The issue of the level of public consultation undertaken by the applicant/agent is not a consideration that affects how this planning application is considered. The issue is that the Council has undertaken the required level of consultation and notification. The issue of potential sub-division in the future is not an issue to be considered as part of this application. The agent has provided dimensions and levels together with full details of landscaping and external materials. A clear assessment can be made from the submission of the impact of the proposed development.

5.6 Response to the Representations of the Community/ Town Council

These have been addressed in the report above.

6.0 RECOMMENDATION: APPROVE

Conditions:

1. Five year standard time condition
2. Compliance with Approved Plans
3. Implementation of Landscaping
4. The new access shall have a hard surface permeable material for a minimum distance of 5m from the edge of carriageway so as to prevent any surface water or loose material being brought out onto the adjacent highway.
5. Visibility splays of 2.4m set back from the edge of carriageway to the edge of the site in both directions, measured from the centreline of the access, shall be provided. Nothing which may cause an obstruction to visibility shall be placed, erected or grown in the splay area.
6. The driveway shall be a constructed with 45° ease of access splays. The actual driveway width shall be a minimum width of 3m. Gates if provided shall not open outwards and shall be set back a minimum of 5m from the edge of carriageway.
7. No surface water from the site shall drain onto the County Highway or into the County Highway drainage system and shall be disposed of on site.
8. Prior to development commencing a scaled plan showing the positions of retained trees with their root protection area clearly marked shall be submitted to and approved

by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

9. The hereby permitted works shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) A copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead; or
 - b) a statement in writing from the scheme ecologist to confirm that the specified activity/development will not require a licence based on legislative and ecological justification.
10. No development shall take place including any demolition, ground works, site clearance until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum the:
 - a) purpose and objectives for the proposed works;
 - b) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - c) measures to avoid killing and injuring bats during works
 - d) use of materials (such as timber, roofing membranes),
 - e) persons responsible for implementing the works;
 - f) positioning, size, type & location of bat roosting provision
 - g) positioning and size of entrances of bat mitigation;
 - h) initial aftercare and long-term maintenance (where relevant);

11. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes lighting type and specification, protecting roosting and foraging/commuting habitat for bats has been agreed in writing with the LPA.

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DC/2014/00998

VARIOUS SIGNS IN ASSOCIATION WITH PROPOSED MCDONALDS DRIVE THROUGH RESTAURANT

WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham

Date Registered: 15th September 2014

1.0 APPLICATION DETAILS

This is an application for advertisement consent to display 28 signs in association with a proposed McDonalds drive through restaurant on the former Westgate Farm site on the edge of Llanfoist. 18 of the signs are non-illuminated of which 15 are highway signs. A full list, specification and proposed location of the proposed signage is below (signs are non-illuminated unless otherwise specified);

- 2 x welcome/goodbye totem signs at site entrance. 0.6m high. Internally illuminated.
- 1 x height restriction gateway with totem on one side at entrance to drive through. 3.2m high. Back lit illuminated McDrive & Open 24 hours to front of totem.
- 4 x totem 2.4m high in drive through area with options for 2 or 3 internally illuminated panels displaying promotions.
- 2 x totem 2.5m high in drive through area with internally illuminated rotating signs within.
- 1 x 'Hero' board 2.64m high in drive through area with internally illuminated rotating sign within.
- 2 x directional signs within drive through area. Internally illuminated.
- 3 x banner signs 1.16m tall within drive through area and in car park.
- 1 x 'any lane' sign within drive through area on 2.4m steel pole.
- 4 x signs within parking bays allocated for specific use.
- 2 x pedestrian crossing signs.
- 1 x no entry signs.
- 1 x 5mph sign.
- 2 x give way signs.
- 2 x look right signs.
- 2 x look left signs.

The site fronts the Heads of the Valleys Road and forms part of a wider 'commercial' development approved under outline consent DC/2008/00818 granted on 14th October 2010. Access to the site is provided via a spine road serving the wider development site secured through Reserved Matters consent DC/2013/00266.

The proposed McDonalds unit will have a floor space of approximately 405 sq. metres and would offer customers the choice of eating within the restaurant or taking away

from either the counter or from the drive-through lane. The restaurant itself would have seating for up to 100 diners at any one time. An outdoor area is also proposed which would include furniture for dining outside on a patio. The proposed restaurant could potentially operate 24 hours per day, 7 days a week, in order to maximise passing trade from travellers using the Heads of the Valleys trunk road as well as other customers that wish to use the facility outside normal business hours.

Fascia signs on the proposed building and a freestanding totem sign are to be considered under separate applications for express consent to display advertisements and the signage proposed in this application should be considered on its own merits, separately to the application for the restaurant itself.

2.0 RELEVANT PLANNING HISTORY

DC/2008/00818 - A) residential and commercial development (outline) B) Alterations and improvements to the existing highway network, improvements to the drainage network (detailed application) - Approved 14/10/10

DC/2013/00266 - Approval of reserved matters relating to the access arrangements for the entire site, and full details of all reserved matters (layout, scale, external appearance, access and landscaping) relating to the residential element of the site, as permitted by outline planning permission DC/2008/00818; Approved September 2013

DC/2013/00856 - Erection of 61 bedroom hotel (Class C1) and associated restaurant / public house (Class A3) plus associated access, car parking and landscaping- Approved January 2014

DC/2013/00871 – Costa Coffee restaurant with drive-through facility; Approved August 2015

DC/2014/00999 – Fascia signs associated with McDonalds restaurant. Recommended for approval (also on this agenda)

DC/2014/01000 – Freestanding restaurant with associated drive-thru lane, car parking and landscaping; installation of 2 No. customer order display and canopy; recommended for approval (also on this agenda)

DC/2014/01001 – Installation of a freestanding 8m totem sign; recommended for refusal (also on this agenda)

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S17 – Place Making and Design

Development Management Policies

DES3 – Advertisements

LC2 – Blaenavon Industrial Landscape World Heritage Site
LC3 – Brecon Beacons National Park

4.0 REPRESENTATIONS

4.1 Consultation Responses

Torfaen County Borough – No objections to the basic design of this proposal.

Given the size of the car park, the application lacks a comprehensive lighting scheme. The lighting requires careful consideration and perhaps moderation, especially given its potential impact on the BILWHS.

It is considered that the illuminated signs should be considered within the overall lighting plan described above.

Brecon Beacons National Park Authority – Objects to the proposed development on grounds that the proposed restaurant and associated advertisement proposals would have a detrimental landscape and visual impact on both views into and out of the National Park to the detriment of its special qualities.

The Environment Act (1995)

Section 63 of the Environment Act (1995) sets out the statutory purposes of the National Park as follows:-

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

Policy Context

Planning Policy Wales 7th edition 2014 (PPW) acknowledges the statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. In particular, PPW states that National Parks "*must be afforded the highest status of protection from inappropriate developments*" (paragraph 5.3.6) and that issues are not confined by administrative boundaries and that the duty to have regard to National Park purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area (paragraph 5.3.7).

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- Peace and tranquillity - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.
- Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- Sense of place and cultural identity - "Welshness"
- Sense of discovery
- Sweeping grandeur and outstanding natural beauty
- Contrasting patterns, colours, and textures
- Diversity of wildlife and richness of semi-natural habitats
- Rugged, remote and challenging landscapes.
- Enjoyable and accessible countryside
- Intimate sense of community

The development plan for the area is the Brecon Beacons National Park Authority Local Development Plan 2007-2022 (LDP). Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designation there are instances where strict application of the boundary in making decisions is not appropriate. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LDPs to have regard to the National Park purposes in making planning decisions which may impact on the National Park. The Authority will use LDP policy SP1 in commenting on proposals that impact on the National Park. Policy SP1 sets out the following:-

Development in the National Park will be required to comply with the purposes and statutory duty set out in legislation, and will be permitted where it:

- a) Conserves and enhances the natural beauty, wildlife and cultural heritage of the Park; and/or*
- b) Provides for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those special qualities; and*
- c) Fulfils the two purposes above and assists the economic and social well-being of local communities.*

Similarly Policy LC3 of the Monmouthshire Local Development Plan states that development in the vicinity of the Brecon Beacons National Park should only be permitted where it would:

- a) preserve or enhance the landscape setting, as defined through the LANDMAP process;*
- b) have no serious adverse effect on significant views into and out of the National Park*

and that “*development that would cause unacceptable harm to the qualities that justify the designation of the Brecon Beacons National Park or its setting will not be permitted*”.

Policy LC2 of the Monmouthshire Local Development Plan places similar requirements on developments that affect the setting of a World Heritage Site.

Proposal

The application site is located in an elevated position, and at its nearest, is approximately 1km east of the Brecon Beacons National Park boundary which at this

point follows the Brecon and Monmouthshire Canal before turning north towards the southern boundary of Neville Hall Hospital. The Blaenavon World Heritage Site also partly shares the National Park's boundary at this location. It is understood from the application documentation that the proposal involves the erection of a freestanding restaurant and associated advertisements, including an internally illuminated totem pole, on a site area of 0.3ha.

The information provided as part of the application is generally poor and limited detail has been provided in terms of the landscape and visual impact that this development would have despite its elevated position adjacent to the A465 and in close proximity to the Brecon Beacons National Park, and Blaenavon World Heritage Site. It is acknowledged that this proposal is located within a wider area that is designated within the Monmouthshire Local Development Plan for employment purposes even though it has benefit of outline planning permission for residential and commercial uses. However, significant concerns are raised in relation to the landscape and visual impact of this development on the National Park based on the information submitted at present.

The Landscape and Character Assessment for the Brecon Beacons National Park (2012) seeks to identify specific landscape characteristics of the National Park and particularly seeks to inform means in which these landscape characteristics should be protected and/or enhanced. The application site is generally at its nearest to the Bloreng Hill and Slopes Landscape Character Area where the impact of surrounding settlements outside of the National Park is acknowledged and the need to reduce the visual impact of development on the National Park is highlighted.

Whilst it is understood that the proposal will result in the removal of existing unsightly buildings, concerns are raised in relation to the proposed restaurant in terms of its elevated siting, landscaping treatment, external lighting and the erection of a 12m illuminated totem pole. In particular, it is considered that the proposal would interrupt views into and out of the National Park and would introduce a highly visible vertical feature, in the form of the 12m illuminated totem pole, that would break the existing skyline and would also introduce a feature that would be highly visible at night to the detriment of the overall character of this area and the setting of the National Park and the area of the Blaenavon World Heritage site situated within. The proposal would, by reason of its elevated position, 24 hour illumination and what appears to be a lack of landscaping, in the Authority's opinion, create an intrusive feature in the skyline interrupting views of the National Park to the detriment of its special qualities.

Whilst the submission of additional information may allay some of the above concerns, at present based upon the information submitted, the Authority **objects** to the proposal as it would result in the introduction of an intrusive form of development in an elevated position, illuminated for a 24 hour period, with limited landscaping that would interrupt views into and out of the National Park to the detriment of its special qualities.

Notwithstanding the above, if the Council is minded to approve the proposals, it is respectfully requested that the following conditions are imposed and that the National

Park Authority are consulted when the relevant detail is submitted in pursuance of the conditions:

No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of both hard and soft landscaping, with a particular emphasis on the provision of landscaping that would assimilate the development within its wider setting having regard to its proximity to various public vantage points and the Brecon Beacons National Park Authority. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until a plan indicating the proposed ground levels and finished floor levels is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Llanfoist Community Council – recommends refusal.

Following extensive consultation with the local community, LFCC wish to make the following representations to Monmouthshire County Council Planning Committee.

General Observations:

The application itself is of surprisingly poor quality in terms of accessibility of information and visualisation of impact in the surrounding area. Significant work has been done by members of the community to interpret the plans and enable people to get a sense of what they would mean for the area. We would argue that Monmouthshire County Council have failed in its duty to ensure that proper consultation takes place by allowing the applicant to submit plans which have such startling inadequacies - no 3D modelling , no context in relation to other proposed buildings on site, no overall site plan - in fact plans which are in essence incomplete.

Monmouthshire County Council Planning Committee will no doubt be aware of the intense public debate which this application has sparked and therefore the need for members of the public to access clear concise and accurate information. Llanfoist Fawr Community Council are aware of some support for the application based on the perception of job creation and a space for young people to gather in the absence of other facilities in the area. We would re-iterate the request made in 2013 when the Premier Inn application was made for land adjacent to proposed McDonald's site for there to be proper engagement with the communities of Llanfoist and Abergavenny to design an area which meets the needs of these communities for both housing, recreational and employment purposes and does not simply encourage a one size fits all model which will destroy the very distinctive landscape and its historical, cultural ecological and geographical heritage.

The application appears to be in contradiction to many of Monmouthshire County Council's stated policies set out in the recently published Local Development Plan - these are referred to throughout our objection.

Areas of Concern:

We have headed our objections under the themes of Visual Impact, Impact on Environment, Traffic and Transport, Sequential Test, and Health and Safety of Children. There are clearly areas of overlap within all of these and we would urge the Planning Committee to examine these carefully against their own policy statements.

Visual Impact:

This is the site for McDonalds seen from the top of Bloreng Mountain in the Blaenavon World Heritage Site. Clearly visible



The application includes no assessment of the specific impact of a highly visible – and lit – 24 hour drive through fast food outlet. In 2010 consent was given to application (DC/2008/00818) – titled somewhat misleadingly as Full - Improvements to Highways and Drainage Networks and Outline – Residential Development .The outline consent application makes very broad reference to commercial development and employment use. It is only in the Addendum to the Transport Assessment that references to specific types of development are made and these are only as a basis for calculating traffic data. The traffic projections have been based on the following: - builders' merchant, 70 Bedroom Hotel with restaurant and leisure facilities 65 private dwellings Fast Food Outlet Business Park (27 units).

We re iterate that the application for a 24 hour drive through facility is a very significant and material departure from the outline planning permission granted in 2010 and the hybrid planning approval DC/2014/00818.

The issue of the impact of lighting has not been considered in relation to the coveted Dark Skies status awarded to the Brecon Beacons National Park - an issue which requires consideration for the entire site not just this application – and is relevant to policies on Visitor Economy which are crucial also considerations at the gateway to a market town which thrives on the promotion of its food credentials.

Thus we believe the application to be in direct conflict with policy LC2 which clearly states that development in the vicinity of the Blaenavon World Heritage Site will only be permitted where it would:

- a) preserve or enhance the landscape setting; and
- b) have no serious adverse effect on significant views into and out of the World Heritage site.

The location is highly sensitive given its position in the Usk Valley opposite Abergavenny and adjacent to Llanfoist, with its proximity to the World Heritage site and National Park. This unique valley set between the Sugarloaf, Blorenge, Skirrid and Deri and approaching from the Midlands this is the real first place you sense you have arrived at the mountain-scape of Wales. We consider the application to have failed in relation to Policy S13 (Landscape, Green Infrastructure and the Natural Environment) which states that a development must

- (ii) protect areas subject to international and national landscape designations*
- (iii) preserve local distinctiveness, sense of place and setting*

We conclude that the design and material language of the building and its associated signage is totally unsuitable for such a sensitive location.

Impact on Environment:

There is considerable confusion as to whether a full ecological impact assessment has been completed for this significantly different application to that approved at outline level. The current application does not meet basic statutory requirements in relation to ecological information (the Biodiversity and Ecology officer has stated that ‘This application is not valid as there is no ecological information’).

The application has failed to demonstrate that it would not cause unacceptable harm to the communities of Llanfoist and Abergavenny in respect of light pollution, noise pollution and litter both in the immediate and wider environs. These are key factors in Policy S13:4 which clearly states that an application should seek to integrate landscape elements, green infrastructure, biodiversity features and ecological connectivity features, to create multifunctional, interconnected spaces that offer opportunities for recreation and healthy activities such as walking and cycling.

Those travelling along the A465 who require food / drink/toilets would naturally head into Abergavenny which is a thriving town with much higher letting rates and footfall than other comparable market towns. (Towns Alive 2014 Report). The proposal for a

drive through McDonald's and other associated food outlets would therefore appear to the casual visitor as the first – and last! – thing on offer in the area, making people suspect that the town itself is not worth visiting. Cafes and restaurants are surveyed as one of the primary reasons visitors visit Abergavenny. There is an argument that this is a product of there currently being no out of town alternatives, unlike other comparable towns which are now (proven by similar studies), ghost towns. Logic says that if people are given a 'lazy' out of town alternative, this can only reduce the visitors to the town centre thereby reducing its vitality. This is in direct contravention of Policy S6 Retail hierarchy 'Proposals which undermine the retail hierarchy will not be permitted'.

Traffic/Transport Impact:

An application for a Drive through facility is of its very nature car-oriented requiring a significant number of passing vehicles to make it viable (20,000 per day on McDonalds' own assessment). We contest that this is therefore an inappropriate development for an - albeit a roadside site – but one which is surrounded by existing housing and in the middle of a village location.

The pedestrian and cycling infrastructure in Llanfoist and between Llanfoist and Abergavenny is inadequate and unsafe and has long been a topic ignored by Monmouthshire County Council planners – in the building of Llanfoist school (lack of safe school routes) and in the recent residential developments. These proposals based on a drive through by their very nature encouraging car use will have an unacceptable impact on pedestrian and cycle safety. Young people in particular will be attempting to access this site on foot across a major slip road with numerous roundabouts and a minimum of 20,000 vehicular movements a day.

We consider the application to be in contravention of policy S16 ... *'all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by: Reducing the need to travel, especially by car; Promoting public transport, walking and cycling; Improving road safety;'*

The transport assessment in the application relies on base data from the hybrid planning permission DC/2014/2008 which is completely misleading as there have been very significant developments in Llanfoist since then. The assessment acknowledges that McDonald's would result in an increase on the previously assumed traffic levels (i.e. from a fast food outlet rather than a 24 hour drive through). Due to the significant road safety issues in this area, a completely new current transport assessment is required.

Sequential Test

The sequential test is inconsistent: it doesn't properly consider a town centre appropriate alternative. It is clear that a 'drive though' is not going to work in a town centre location and therefore a sequential test to prove this is wasting everyone's time. If however there is a 'need' for a McDonald's in the area (which we would dispute) there are some town centre outlet opportunities that could have been considered e.g. the former Richards store.

The application has shown no demonstrable need for a drive through in the location proposed at Llanfoist particularly as the Raglan Services now has planning consent with a range of fast food options – that is unless this application is part of a wider as yet undeclared interest in creating a Llanfoist Services Area? The proposal undermines the vitality of Abergavenny town and that of the new Raglan services.

Health and Safety of Children:

The proposals will create major health and safety issues for the young people of Abergavenny and Llanfoist. A number of objections have been submitted by Health professionals outlining the health issues associated with fast food and especially in a location so close to Llanfoist primary school and on routes to the secondary school (King Henry) and those further afield accessed via the bus drop off a pick up points in Llanfoist.

The proposed restaurant is in a location primarily design for the convenience of users of the A465 as acknowledged in the applicant's submission. However a fast food restaurant also appeals to a relatively low age demographic group, most of whom cannot drive. The existing pedestrian/cycle route from Abergavenny to Llanfoist is not safe with major hazards at Llanfoist Bridge and the A465 roundabout. There is also a major danger of children from East Abergavenny making their way down and across the A465 to access the restaurant which will be a much shorter route for them.

These objections formed the basis of the McDonald's appeal refusal in 2001 and are as relevant now as they were then.

Summary:

We urge the Planning Committee to reject this application and not allow it to follow on the same misguided path as the application for Premier Inn and Brewers Fayre – these were submitted as very detailed design considerations from a very broad outline consent which had assumed low visibility screened buildings.

In rejecting this application the planning committee will be giving the people of Llanfoist and Abergavenny the opportunity to work with Monmouthshire County Council planners on a more innovative and thoughtful development which showcases the beauty and vitality of the area and celebrates its difference not conformity to a national model.

Cadw – Negligible impact on any registered historic landscape or on the Outstanding Universal Values of the World Heritage Site.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic* proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

This advice is given in response to a planning application for the construction of freestanding restaurant with associated drive through lane, car parking and landscaping. The proposed development is located in the vicinity of the scheduled ancient monument known as;
MM010 Abergavenny Bridge
MM056 Abergavenny Castle
MM193 Abergavenny Roman Fort

The restaurant to which the signs are attached is located some 800m to the south of both designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort and will be clearly in view from them on the slope of the hill on the opposite side of the Usk Valley. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either monument during daylight hours. There was a potential concern that the large windows of the restaurant could produce a large light source at night but these are positioned overlooking the car park and not facing the monuments, as such there will be no additional impact on the setting of the designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort at night.

The intervening topography and buildings probably blocks views to the proposed development from MM010 Abergavenny Bridge, but if not, the impact on the setting of the bridge will be the same as the impact on the settings of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort.

This proposal also lies within 1km of the historic parks and gardens known as PGW (Gt) 9 Abergavenny Castle, PGW (Gt) 37 New Cemetery, Abergavenny and PGW

(Gt) 59 Linda Vista Gardens, Abergavenny, which are included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

It is unlikely that the proposed development will be visible from PGW (Gt) 37 New Cemetery, Abergavenny.

The restaurant to which the signs are attached is located some 800m to the south of the registered park and gardens at Abergavenny Castle and Linda Vista Gardens and it is likely that it will be visible in views from them. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either registered site. The application area is located some 900m to the east of the boundary of the registered historic landscape, HLW (GT) 1 Blaenavon, which at this point includes the slopes of Bloreng. It is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the registered historic landscape.

The restaurant to which the signs are attached is located some 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of Bloreng. It is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the Outstanding Universal Values of the World Heritage Site.

It is noted that in their responses to this application and the associated ones both Torfaen County Borough Council and Brecon Beacons National Park have recommended that a condition, requiring an external lighting plan to be submitted prior to the development commencing in order to limit the impact of the development on the World Heritage Site, should be attached to any planning consent that is granted to this application and we support this recommendation.

MCC Green Infrastructure (GI) Team - On the basis of the information submitted, object to the current proposal.

Elevation of the site and the visual impact of a standardised MacDonald's unit and accompanying illuminated sign upon the surrounding landscape leading to a detrimental impact upon;

- Proximity to National Park, views into and out of
- Proximity to BILWHS views into and out of

As statutory designations;

- Proximity and visual impact upon and from key receptors including; local footpaths, Iron Mountain Trail, National Trails, cycle routes, A465 (primary route for Heads of the Valleys and gateway to BBNP) historic assets, tourism

and leisure facilities, historic Market town of Abergavenny (key landmark features), local dwellings.

In addition the proposal has not provided the following:

- No LVIA has been provided to consider the impacts
- No viewpoints or photomontages to justify proposal
- Mitigation is inappropriate (i.e. shrub planting is insufficient both in height and density – native woodland planting would be required for screening purposes).
- GI has not been considered or integrated into the scheme.

Welsh Government Transport Division – no objections to this proposed development which forms part of the revised proposals submitted in 2009 forming part of DC/2008/00818.

4.2 Neighbour Notification

Total of 13 representations received, 3 specific to this application for signage only.
Object for the following reasons;

- This signage is completely inappropriate for this key gateway site. MCC and WG policy promotes local distinctiveness. This proposal is contrary to this.
- The proposal to light this signage 24 hours a day goes against of the Brecon Beacons Dark Skies area.
- These signs will compete with the key cultural and historic icons of Abergavenny such as the view of the castle and market hall from this section of the A465.
- These signs will distract from the key Wales Gateway views of the Bloreng, Sugar Loaf, Deri and Skirrid.
- For visitors, the first thing they will see as they approach Abergavenny is signage for a global corporation selling dubious quality food. This is not ideal for a town that promotes local food culture, the food festival, and a county that Visit Wales promotes as a food destination
- Light pollution
- Highly prominent position
- Drive-through architecture demands visual cacophony of road signs, road markings, railings and external lighting
- Tree planting on northern edge of site as required previously not mentioned in this application.
- Concentrated, illuminated and branded development will be an eyesore to the detriment of the tourist industry.
- The elevated position of the proposed development means that all signage is likely to be visible from a great distance. All signs are therefore against the aim to "Conserve and enhance the unique landscape and natural beauty" stated in the local development plan, and while some signs need to be allowed, a concentrated, illuminated and branded development will be a huge eyesore to the detriment to the tourism industry that is so important to Abergavenny and the surrounding area.
- Signs are excessive in number.

- The applicant elects to submit three separate planning applications for different forms of signage, separate from the main building submission. Why?
- None of these provides visual information on how those signs relate to the building. To do this honestly and transparently for a building environment that is essentially a massive branded billboard for addressing passing motorists, would of course expose profoundly the contradictory written information provided by McDonald's Consultants Planware Ltd.

4.3 Other Representations

Abergavenny and District Civic Society – we believe that these applications, as submitted, should be refused. Community opposition should give the County Council the confidence to adopt a 'take it or leave it' stance, especially on design and signage issues.

While some of our members may have made personal representations or sympathise with objections made by others to this application, the Society aims to make a response that takes account of the planning history and the scope of planning control (as opposed to public health and other controls) and is consistent with the views expressed at the time of the Whitbread company applications on the Westgate site.

As was the case with these earlier applications, we regret a planning history that appears to make these trunk road services and the road layout incontestable in principle. But for this history of commitment and the extreme improbability of revoking previous decisions and paying compensation, the Society would probably object to this use on this site. If others find a sustainable reason to challenge these commitments we might well support their case. At this time we confine our attention mainly to the design of the proposal, minimising its visual impact and relevant weaknesses in the documents accompanying the application. We note that the Design and Access Statement has misleading content that should not be relied upon when assessing the proposals.

One part of the planning history may be particularly relevant: the 2001 refusal on appeal of an application by McDonalds for a site nearby on the A465. The inspector concluded, in the context of policy at the time, that the proposal did not help to sustain the town centre – as distinct from not detracting from the centre.

We have considered the applicants' sequential test information. They base their case on the proposal being for a 'drive-through' restaurant mainly to serve trunk road users. Yet only a proportion of their customers will use the 'drive-through' element; most will sit in the restaurant and many of these will be local. We believe that a closer examination of their likely patronage is likely to suggest at least that only a smaller restaurant satisfies the sequential test. The majority of their custom would be better served in accordance with policy by a 'walk-in' site in or on the edge of the town centre. Whether or not there is such an opportunity, and whether we would support it, is not our present concern.

Otherwise our main concern is that the elevation and prominence of the proposed building will be unacceptable. The applicants have provided no proposed sections through the site and adjacent land, or drawings showing the relationship of their

development to approved or pending buildings to the west, or in the wider landscape setting. They do describe their building as ‘elevated above the Heads of the Valleys Road’. This would not square well with the ‘respect for views’ requirement of LDP Policy DES1. The applicants must be required to provide more information on these matters, and we would wish to comment further.

Furthermore, the orientation of the building, which has a footprint approaching that of the Premier Inn, conflicts with the grain of its surroundings by not being parallel with the A465 and its slip road.

The prominence in a remarkable landscape setting, even if reduced, means that the appearance of the restaurant is a critical consideration. We object to the submitted proposals. To meet the requirements of Policy DES1 this location requires a building that contributes to a sense of place and respects the local characteristics of this edge of the countryside at a gateway to an historic town, a World Heritage Site and a National Park. The proposed standard corporate image based on a ‘natural and neutral’ pallet of contemporary materials does not satisfy the needs of this site. The variety of materials and colours, some in substantial blocks and alien in the local context, together with an excessive amount of signage on the building, is inappropriate here. A simpler and less obtrusive building, perhaps more traditional, making use of Pennant sandstone, slate and possibly suitably coloured brick and stained timber should be required. A modest amount of signage on the building would adequately advertise its use. Again, we would wish to comment on any revised proposals for the building.

The Design and Access Statement refers to a ‘contemporary twist’ in the landscaping and admits that it may not be reflective of the surroundings. The submitted plans appear to show little more than hard surface treatments and grass, where some locally native shrubs and trees could soften the transition between the building and the countryside. As elsewhere on the Westgate site, we would like to see grassland of native plants managed for wildlife and aesthetic benefits.

With regard to Policy DES3, the proposed amount of free-standing signs and advertisements is excessive. Apart from clear signage on the building, there is no need for anything but warning and directional signs for customers. Illumination should be the minimum necessary to promote the business and for safety purposes, and we oppose 24 hour opening in this exposed urban fringe position.

We note that the applicants promise 65 full or part time jobs (probably mostly the latter). Even if much of their custom is captured and new to the area, some will be at the expense of local traders and jobs. Decision-makers should not be unduly swayed by these figures.

We question the suitability of the complex planned road and pedestrian access arrangements. The traffic generation of three refreshment facilities seems likely to exceed the volumes envisaged when the layout was approved and a fresh safety audit is essential. (LDP Policy MV1).

McDonalds are particularly likely to attract young cyclists and pedestrians from Abergavenny. The deficiencies of the highway system for these users are already

very evident, particularly when crossing the Usk and the A465 junction. This situation would be aggravated if this part of A4136 became a trunk road. At the very least, if approval for McDonalds and Costa is granted, substantial s106 planning obligation (or CIL) funds should be secured for improvements that enhance pedestrian and cyclist approaches to this commercial area, including the Usk crossing (LDP Policy MV2).

Further comments received following amendments to materials - We agree that the revised materials represent a cosmetic improvement to an otherwise unaltered building, though we ask that the sandstone is not stark red but a more mottled grey, purple and red to be consistent with the Pennant stone generally used locally (and hopefully elsewhere on the Westgate site).

However, the more fundamental concerns and objections stated in our letter of 17 October 2014 remain, despite a number of revisions posted on line since then. The discussion at Planning Committee when the Costa proposal was approved has led us to take the view that the prominent impact of that building and McDonalds, if approved, can only be lessened, over time, by extensive native woodland planting on the steeper slopes visible from the A465. Customers would be adequately attracted by glimpses of the buildings and a modest amount of signage, preferably coordinated and not including a backlit 8m totem sign at the top of the slope.

SEWBREC Search Results – Various species of bats recorded foraging/commuting and Great Crested Newts within the vicinity of the site.

Wales & West Utilities – Wales & West Utilities apparatus may be directly affected by these proposals. Note to applicant.

4.4 Local Member Representations

Local Member Cllr Hickman – This application is contentious and there seem to be campaigns on both sides now with a fairly even split of for's and against on the online comments. I have always said that I will try and represent the views of the majority of residents of my ward. I will attend the planning meeting and speak on the day, I think with a level head. No doubt that something will eventually be built here, whatever it will be must be right, in keeping with the surroundings, and with design conditions put on whoever the builder is. No large 40 foot high advertising poles etc. I will of course continue to listen and monitor the situation.

5.0 EVALUATION

5.1 Principle of Development

Local Development Plan Policy DES3 deals specifically with advertisements;

Proposals for advertisements will only be permitted where:

- a) having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) if located within the open countryside they would not

- c) unacceptably detract from the rural setting of the locality;
if located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) if located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

The use of the building as a drive through restaurant will clearly require some signage and is acceptable in principle subject to the above criteria that relate to the potential visual impact of signage.

The proposed signs are not considered to be excessive in scale and none will be higher than 3m above ground level. As such, it is unlikely that views into and out of the National Park and Blaenavon Industrial Landscape World Heritage Site will be affected by the signage. As such the Policies LC2 and LC3 are not considered to be relevant to this application.

5.2 Visual Impact

It is important to view the proposed signage within the context of the wider area that includes the council waste transfer station, a hotel and pub development and land allocated for industrial use as well as the A465 dual carriageway which is lit by street lighting.

With regards to criterion (a) there is currently no signage in the area except for at the entrance to Westgate Yard which is some distance to the west of the application site although there is an extant consent for a Premier Inn, Brewers Fayre and Costa Coffee unit on the adjacent site which will inevitably have some associated signage (although no applications for advertisement consent have been submitted to date). Any applications for signage on the adjacent site would have to be considered on their own merits having regard to the McDonalds site, should consent be granted. In terms of the number of signs proposed within the site, it should be noted that 15 of the 28 proposed are highway related signs such as 'no entry' signs that are normally exempt from requiring consent and that are a common feature of all car parks. Of the remaining thirteen signs, ten are located within the drive through area. This part of the site is not meant to be visible to those beyond those using the drive through facility and serve as the restaurant menu and promotions board for customers who do not wish to enter the building. They are grouped together and generally at the south western corner of the building where the 'corral' is located. By design, this area is not intended to be a prominent elevation. The 'welcome' and 'goodbye' totem signs would be positioned at the site entrance/exit and are considered to be reasonable in terms of scale and design as they will be khaki in colour and timber effect aluminium (as are the remainder of the signs) to reflect the corporate branding of McDonalds. The height restriction totem is also considered to be appropriate as the gate is required to avoid damage to the canopy of the building by over height vehicles. The remaining two signs are low level non-illuminated banners proposed adjacent to the parking area

and drive through displaying the company name. These would have minimal impact on the wider area.

Criterion (b) requires that advertisements do not detract from the rural setting when located in the open countryside. Given that this site is allocated for office and industrial use in the LDP, it is not considered that this criterion applies.

Criterion (c) refers to advertisements in conservation areas only. This site is not in a conservation area.

Criterion (d) requires that in the open countryside illumination is only appropriate to uses that reasonably expect trade at night. Although as described above the application site is not in open countryside, the restaurant clearly expects to trade at night. It should be noted that the applicants have indicated that although a 24 hour licence to serve hot food will be sought, it is unlikely that the restaurant would remain open for the full 24 hours a day, 7 days a week, due to a lack of passing trade overnight. As part of McDonalds building management system, all illumination would automatically be switched off when the last member of staff has left the building in order to save energy. This can also be conditioned. The level of illumination proposed is roughly half of that normally used in illuminated signage. This aspect can also be conditioned if deemed necessary.

The planting approved under the earlier Section 106 Agreement and that which will be implemented by McDonalds will help to screen the proposed building and soften the impact over time (see paragraph below).

5.3 Residential Amenity

There are no residential properties in the immediate vicinity of the application site that would be directly affected by the proposed development. Due to the orientation of the building, none of the signs within this application would face directly onto the A465 or the Barratts development beyond. The closest of the new Persimmon homes currently being constructed elsewhere on the site will be some 140 metres from the site which is an adequate distance for any illuminated fascia not to cause a nuisance. The housing will also be separated from the remainder of the site by a linear park that will include tree planting, as well as employment related development that would be built in the future between the site of the proposed restaurant and the housing.

5.4 Landscaping

The application site is elevated and any development including associated signage will have a wider visual impact upon the surrounding landscape as the site can be viewed at distance from local Public Rights of Way, the Iron Mountain Trail, National Trails, cycle routes, A465, historic assets and nearby tourism and leisure facilities.

The landscaping scheme for this site must be implemented in accordance with the ecological framework outlined in the previously approved Great Crested Newt Mitigation Strategy which is part of a Section 106 Legal Agreement for the whole of the Westgate site. This includes an 18 metre belt of new tree and shrub planting on land immediately adjacent to the east of the application site on land outside the

applicant's control. As part of the wider site development, the existing road to the Waste Transfer Station will be removed and landscaped over resulting in a more gradual slope upwards from the edge of the slip road to the edge of the site. The slope will be around 10 metres wide and will be planted up with trees and shrubs. A small part of that road leading to the waste transfer station running parallel to the Heads of the Valley slip will remain in the north-eastern corner of the site and therefore the landscape buffer will be reduced in that area.

Within the application site itself, McDonalds are proposing to plant ten native species trees which will be between 4 and 4.5m tall and four smaller 2–2.5m multi stem trees around the edge of the site, although additional planting will be required by condition between the proposed drive through area and the A465. A new native hedge is also proposed along the western and northern boundary with the new access road to the waste transfer station. The remainder of the site that is not required for car parking will be grassed.

It is considered that the planting required under the earlier Section 106 Agreement and that to be implemented as part of the proposed McDonalds development will help to screen the proposed building and signage and soften the impact over time when viewed from the Heads of the Valleys road as well as more distant views from Abergavenny Castle. Views from the Blorenge will be against the back drop of the A465, its associated lighting and the significant housing developments beyond, and when viewed in context with the approved Premier Inn, Brewers Fayre and Costa, existing Westgate Yard buildings and council waste transfer station, the proposed signage is unlikely to significantly affect the character of the area or views from designated landscapes.

5.5 Biodiversity

The site is not recorded as a foraging area or commuting route for bats that are the only species recorded within the vicinity of the site that are sensitive to light.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

1	<ol style="list-style-type: none"> 1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority. 2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition. 3. Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority. 4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission. 5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of
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	any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).
2	The illumination of the signs hereby authorised shall be non-intermittent.
3	The illumination of the signs hereby authorised shall be switched off when all staff have left the associated restaurant.

DC/2014/00999

6 NO. FASCIA SIGNS IN ASSOCIATION WITH PROPOSED MACDONALDS DRIVE THROUGH RESTAURANT

WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham

Date Registered: 15th September 2014

1.0 APPLICATION DETAILS

This is an application for advertisement consent to display six fascia signs on a proposed McDonalds drive through restaurant on the former Westgate Farm site on the edge of Llanfoist. The site fronts the Heads of the Valleys Road and forms part of a wider 'commercial' development approved under outline consent DC/2008/00818 granted on 14th October 2010. Access to the site is provided via a spine road serving the wider development site secured through Reserved Matters consent DC/2013/00266.

The proposed McDonalds unit will have a floor space of approximately 405 sq. metres and would offer customers the choice of eating within the restaurant or taking away from either the counter or from the drive-through lane. The restaurant itself would have seating for up to 100 diners at any one time. An outdoor area is also proposed which would include furniture for dining outside on a patio. The proposed restaurant could potentially operate 24 hours per day, 7 days a week, in order to maximise passing trade from travellers using the Heads of the Valleys trunk road as well as other customers that wish to use the facility outside normal business hours.

To ensure uniformity throughout the world, all franchises use standardised McDonalds branding, menus, design layouts and administrative systems.

The proposed building is orientated on a north east/south west axis with the car park and main approach being toward the south eastern elevation (labelled 'Elevation A' on the drawings). The fascia signs proposed comprise an illuminated white name fascia and 'golden arch' symbol on the south east elevation together with two other fascia name signs on the two end elevations (north east and south west elevations). The north western elevation contains the drive through payment and collection windows and would feature two illuminated khaki squares with a yellow 'golden arch' symbol on a white background. These will be set back flush against the wall of the building rather than on the upper section of the canopy as is the case for the other signs. The proposed fascia signs displaying the name of the restaurant would measure 5.4m long and 0.6m high. The two proposed signs displaying the McDonalds emblem (the 'golden arch') on a khaki coloured background on the drive through elevation would be 1.4m across and 1.4m high and the internally illuminated yellow 'golden arch' would be 1.m across and 0.9m high.

The number of signs has been reduced from nine, as originally submitted, including the omission of an illuminated name fascia on the north-west elevation.

The signage proposed in this application should be considered on its own merits and therefore separately to the principle of developing the restaurant itself.

2.0 RELEVANT PLANNING HISTORY

DC/2008/00818 - A) residential and commercial development (outline) B) Alterations and improvements to the existing highway network, improvements to the drainage network (detailed application) - Approved 14/10/10

DC/2013/00266 - Approval of reserved matters relating to the access arrangements for the entire site, and full details of all reserved matters (layout, scale, external appearance, access and landscaping) relating to the residential element of the site, as permitted by outline planning permission DC/2008/00818; Approved September 2013

DC/2013/00856 - Erection of 61 bedroom hotel (Class C1) and associated restaurant / public house (Class A3) plus associated access, car parking and landscaping; Approved January 2014

DC/2013/00871 – Costa Coffee restaurant with drive-through facility; Approved August 2015

DC/2014/00998 – Various signs associated with McDonalds restaurant; recommended for approval (also on this agenda)

DC/2014/01000 – Freestanding restaurant with associated drive-thru lane, car parking and landscaping; installation of 2 no. customer order display and canopy; recommended for approval (also on this agenda)

DC/2014/01001 – Installation of a freestanding 8m totem sign; recommended for refusal (also on this agenda)

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 - Enterprise and Economy
S17 – Place Making and Design

Development Management Policies

DES3 – Advertisements
LC2 – Blaenavon Industrial Landscape World Heritage Site
LC3 – Brecon Beacons National Park

4.0 REPRESENTATIONS

4.1 Consultation Responses

Torfaen County Borough – No objections to the basic design of this proposal.

Given the size of the car park, the application lacks a comprehensive lighting scheme. The lighting requires careful consideration and perhaps moderation, especially given its potential impact on the BILWHS

It is considered that the illuminated signs should be considered within the overall lighting plan described above.

Brecon Beacons National Park Authority – Objects to the proposed development on grounds that the proposed restaurant and associated advertisement proposals would have a detrimental landscape and visual impact on both views into and out of the National Park to the detriment of its special qualities.

The Environment Act (1995)

Section 63 of the Environment Act (1995) sets out the statutory purposes of the National Park as follows:-

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

Policy Context

Planning Policy Wales 7th edition 2014 (PPW) acknowledges the statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. In particular, PPW states that National Parks "*must be afforded the highest status of protection from inappropriate developments*" (paragraph 5.3.6) and that issues are not confined by administrative boundaries and that the duty to have regard to National Park purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area (paragraph 5.3.7).

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- Peace and tranquillity - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.
- Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- Sense of place and cultural identity - "Welshness"
- Sense of discovery
- Sweeping grandeur and outstanding natural beauty
- Contrasting patterns, colours, and textures
- Diversity of wildlife and richness of semi-natural habitats

- Rugged, remote and challenging landscapes.
- Enjoyable and accessible countryside
- Intimate sense of community

The development plan for the area is the Brecon Beacons National Park Authority Local Development Plan 2007-2022 (LDP). Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designation there are instances where strict application of the boundary in making decisions is not appropriate. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LDPs to have regard to the National Park purposes in making planning decisions which may impact on the National Park. The Authority will use LDP policy SP1 in commenting on proposals that impact on the National Park. Policy SP1 sets out the following:-

Development in the National Park will be required to comply with the purposes and statutory duty set out in legislation, and will be permitted where it:

- a) Conserves and enhances the natural beauty, wildlife and cultural heritage of the Park; and/or*
- b) Provides for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those special qualities; and*
- c) Fulfils the two purposes above and assists the economic and social well-being of local communities.*

Similarly Policy LC3 of the Monmouthshire Local Development Plan states that development in the vicinity of the Brecon Beacons National Park should only be permitted where it would:

- a) preserve or enhance the landscape setting, as defined through the LANDMAP process;*
- b) have no serious adverse effect on significant views into and out of the National Park*

and that “*development that would cause unacceptable harm to the qualities that justify the designation of the Brecon Beacons National Park or its setting will not be permitted*”.

Policy LC2 of the Monmouthshire Local Development Plan places similar requirements on developments that affect the setting of a World Heritage Site.

Proposal

The application site is located in an elevated position, and at its nearest, is approximately 1km east of the Brecon Beacons National Park boundary which at this point follows the Brecon and Monmouthshire Canal before turning north towards the southern boundary of Neville Hall Hospital. The Blaenavon World Heritage Site also partly shares the National Park’s boundary at this location. It is understood from the application documentation that the proposal involves the erection of a freestanding restaurant and associated advertisements, including an internally illuminated totem pole, on a site area of 0.3ha.

The information provided as part of the application is generally poor and limited detail has been provided in terms of the landscape and visual impact that this development would have despite its elevated position adjacent to the A465 and in

close proximity to the Brecon Beacons National Park, and Blaenavon World Heritage Site. It is acknowledged that this proposal is located within a wider area that is designated within the Monmouthshire Local Development Plan for employment purposes even though it has benefit of outline planning permission for residential and commercial uses. However, significant concerns are raised in relation to the landscape and visual impact of this development on the National Park based on the information submitted at present.

The Landscape and Character Assessment for the Brecon Beacons National Park (2012) seeks to identify specific landscape characteristics of the National Park and particularly seeks to inform means in which these landscape characteristics should be protected and/or enhanced. The application site is generally at its nearest to the Bloreng Hill and Slopes Landscape Character Area where the impact of surrounding settlements outside of the National Park is acknowledged and the need to reduce the visual impact of development on the National Park is highlighted.

Whilst it is understood that the proposal will result in the removal of existing unsightly buildings, concerns are raised in relation to the proposed restaurant in terms of its elevated siting, landscaping treatment, external lighting and the erection of a 12m illuminated totem pole. In particular, it is considered that the proposal would interrupt views into and out of the National Park and would introduce a highly visible vertical feature, in the form of the 12m illuminated totem pole, that would break the existing skyline and would also introduce a feature that would be highly visible at night to the detriment of the overall character of this area and the setting of the National Park and the area of the Blaenavon World Heritage site situated within. The proposal would, by reason of its elevated position, 24 hour illumination and what appears to be a lack of landscaping, in the Authority's opinion, create an intrusive feature in the skyline interrupting views of the National Park to the detriment of its special qualities.

Whilst the submission of additional information may allay some of the above concerns, at present based upon the information submitted, the Authority **objects** to the proposal as it would result in the introduction of an intrusive form of development in an elevated position, illuminated for a 24 hour period, with limited landscaping that would interrupt views into and out of the National Park to the detriment of its special qualities.

Notwithstanding the above, if the Council is minded to approve the proposals, it is respectfully requested that the following conditions are imposed and that the National Park Authority are consulted when the relevant detail is submitted in pursuance of the conditions:

No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of both hard and soft landscaping, with a particular emphasis on the provision of landscaping that would assimilate the development within its wider setting having regard to its proximity to various public vantage points and the Brecon Beacons National Park Authority. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until a plan indicating the proposed ground levels and finished floor levels is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Llanfoist Community Council – recommends refusal.

Following extensive consultation with the local community, LFCC wish to make the following representations to Monmouthshire County Council Planning Committee.

General Observations:

The application itself is of surprisingly poor quality in terms of accessibility of information and visualisation of impact in the surrounding area. Significant work has been done by members of the community to interpret the plans and enable people to get a sense of what they would mean for the area. We would argue that Monmouthshire County Council have failed in its duty to ensure that proper consultation takes place by allowing the applicant to submit plans which have such startling inadequacies - no 3D modelling , no context in relation to other proposed buildings on site, no overall site plan - in fact plans which are in essence incomplete.

Monmouthshire County Council Planning Committee will no doubt be aware of the intense public debate which this application has sparked and therefore the need for members of the public to access clear concise and accurate information. Llanfoist Fawr Community Council are aware of some support for the application based on the perception of job creation and a space for young people to gather in the absence of other facilities in the area. We would re-iterate the request made in 2013 when the Premier Inn application was made for land adjacent to proposed McDonald's site for there to be proper engagement with the communities of Llanfoist and Abergavenny to design an area which meets the needs of these communities for both housing, recreational and employment purposes and does not simply encourage a one size fits all model which will destroy the very distinctive landscape and its historical, cultural ecological and geographical heritage.

The application appears to be in contradiction to many of Monmouthshire County Council's stated policies set out in the recently published Local Development Plan - these are referred to throughout our objection.

Areas of Concern:

We have headed our objections under the themes of Visual Impact, Impact on Environment, Traffic and Transport, Sequential Test, and Health and Safety of Children. There are clearly areas of overlap within all of these and we would urge the Planning Committee to examine these carefully against their own policy statements.

Visual Impact:

This is the site for McDonalds seen from the top of Bloreng Mountain in the Blaenavon World Heritage Site. Clearly visible



The application includes no assessment of the specific impact of a highly visible – and lit – 24 hour drive through fast food outlet. In 2010 consent was given to application (DC/2008/00818) – titled somewhat misleadingly as Full - Improvements to Highways and Drainage Networks and Outline – Residential Development .The outline consent application makes very broad reference to commercial development and employment use. It is only in the Addendum to the Transport Assessment that references to specific types of development are made and these are only as a basis for calculating traffic data. The traffic projections have been based on the following: - builders' merchant, 70 Bedroom Hotel with restaurant and leisure facilities 65 private dwellings Fast Food Outlet Business Park (27 units).

We re iterate that the application for a 24 hour drive through facility is a very significant and material departure from the outline planning permission granted in 2010 and the hybrid planning approval DC/2014/00818.

The issue of the impact of lighting has not been considered in relation to the coveted Dark Skies status awarded to the Brecon Beacons National Park - an issue which requires consideration for the entire site not just this application – and is relevant to policies on Visitor Economy which are crucial also considerations at the gateway to a market town which thrives on the promotion of its food credentials.

Thus we believe the application to be in direct conflict with policy LC2 which clearly states that development in the vicinity of the Blaenavon World Heritage Site will only be permitted where it would:

- a) preserve or enhance the landscape setting; and
- b) have no serious adverse effect on significant views into and out of the World Heritage site.

The location is highly sensitive given its position in the Usk Valley opposite Abergavenny and adjacent to Llanfoist, with its proximity to the World Heritage site and National Park. This unique valley set between the Sugarloaf, Blorence, Skirrid and Deri and approaching from the Midlands this is the real first place you sense you have arrived at the mountain-scape of Wales. We consider the application to have failed in relation to Policy S13 (Landscape, Green Infrastructure and the Natural Environment) which states that a development must

- (ii) protect areas subject to international and national landscape designations*
- (iii) preserve local distinctiveness, sense of place and setting*

We conclude that the design and material language of the building and its associated signage is totally unsuitable for such a sensitive location.

Impact on Environment:

There is considerable confusion as to whether a full ecological impact assessment has been completed for this significantly different application to that approved at outline level. The current application does not meet basic statutory requirements in relation to ecological information (the Biodiversity and Ecology officer has stated that ‘This application is not valid as there is no ecological information’).

The application has failed to demonstrate that it would not cause unacceptable harm to the communities of Llanfoist and Abergavenny in respect of light pollution, noise pollution and litter both in the immediate and wider environs. These are key factors in Policy S13:4 which clearly states that an application should seek to integrate landscape elements, green infrastructure, biodiversity features and ecological connectivity features, to create multifunctional, interconnected spaces that offer opportunities for recreation and healthy activities such as walking and cycling.

Those travelling along the A465 who require food / drink/toilets would naturally head into Abergavenny which is a thriving town with much higher letting rates and footfall than other comparable market towns. (Towns Alive 2014 Report). The proposal for a drive through McDonald’s and other associated food outlets would therefore appear to the casual visitor as the first – and last! – thing on offer in the area, making people suspect that the town itself is not worth visiting. Cafes and restaurants are surveyed as one of the primary reasons visitors visit Abergavenny. There is an argument that this is a product of there currently being no out of town alternatives, unlike other comparable towns which are now (proven by similar studies), ghost towns. Logic says that if people are given a ‘lazy’ out of town alternative, this can only reduce the visitors to the town centre thereby reducing its vitality. This is in direct contravention of Policy S6 Retail hierarchy ‘Proposals which undermine the retail hierarchy will not be permitted’.

Traffic/Transport Impact:

An application for a Drive through facility is of its very nature car-oriented requiring a significant number of passing vehicles to make it viable (20,000 per day on McDonalds' own assessment). We contest that this is therefore an inappropriate development for an - albeit a roadside site – but one which is surrounded by existing housing and in the middle of a village location.

The pedestrian and cycling infrastructure in Llanfoist and between Llanfoist and Abergavenny is inadequate and unsafe and has long been a topic ignored by Monmouthshire County Council planners – in the building of Llanfoist school (lack of safe school routes) and in the recent residential developments. These proposals based on a drive through by their very nature encouraging car use will have an unacceptable impact on pedestrian and cycle safety. Young people in particular will be attempting to access this site on foot across a major slip road with numerous roundabouts and a minimum of 20,000 vehicular movements a day.

We consider the application to be in contravention of policy S16 ... *'all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by: Reducing the need to travel, especially by car; Promoting public transport, walking and cycling; Improving road safety;'*

The transport assessment in the application relies on base data from the hybrid planning permission DC/2014/2008 which is completely misleading as there have been very significant developments in Llanfoist since then. The assessment acknowledges that McDonald's would result in an increase on the previously assumed traffic levels (i.e. from a fast food outlet rather than a 24 hour drive through). Due to the significant road safety issues in this area, a completely new current transport assessment is required.

Sequential Test

The sequential test is inconsistent: it doesn't properly consider a town centre appropriate alternative. It is clear that a 'drive though' is not going to work in a town centre location and therefore a sequential test to prove this is wasting everyone's time. If however there is a 'need' for a McDonald's in the area (which we would dispute) there are some town centre outlet opportunities that could have been considered e.g. the former Richards store.

The application has shown no demonstrable need for a drive through in the location proposed at Llanfoist particularly as the Raglan Services now has planning consent with a range of fast food options – that is unless this application is part of a wider as yet undeclared interest in creating a Llanfoist Services Area? The proposal undermines the vitality of Abergavenny town and that of the new Raglan services.

Health and Safety of Children:

The proposals will create major health and safety issues for the young people of Abergavenny and Llanfoist. A number of objections have been submitted by Health professionals outlining the health issues associated with fast food and especially in a location so close to Llanfoist primary school and on routes to the secondary school

(King Henry) and those further afield accessed via the bus drop off a pick up points in Llanfoist.

The proposed restaurant is in a location primarily design for the convenience of users of the A465 as acknowledged in the applicant's submission. However a fast food restaurant also appeals to a relatively low age demographic group, most of whom cannot drive. The existing pedestrian/cycle route from Abergavenny to Llanfoist is not safe with major hazards at Llanfoist Bridge and the A465 roundabout. There is also a major danger of children from East Abergavenny making their way down and across the A465 to access the restaurant which will be a much shorter route for them.

These objections formed the basis of the McDonald's appeal refusal in 2001 and are as relevant now as they were then.

Summary:

We urge the Planning Committee to reject this application and not allow it to follow on the same misguided path as the application for Premier Inn and Brewers Fayre – these were submitted as very detailed design considerations from a very broad outline consent which had assumed low visibility screened buildings.

In rejecting this application the planning committee will be giving the people of Llanfoist and Abergavenny the opportunity to work with Monmouthshire County Council planners on a more innovative and thoughtful development which showcases the beauty and vitality of the area and celebrates its difference not conformity to a national model.

Cadw – Negligible impact on any registered historic landscape or on the Outstanding Universal Values of the World Heritage Site.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological

remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic* proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

This advice is given in response to a planning application for the construction of freestanding restaurant with associated drive through lane, car parking and landscaping. The proposed development is located in the vicinity of the scheduled ancient monument known as;
MM010 Abergavenny Bridge
MM056 Abergavenny Castle
MM193 Abergavenny Roman Fort

The restaurant to which the signs are attached is located some 800m to the south of both designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort and will be clearly in view from them on the slope of the hill on the opposite side of the Usk Valley. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either monument during daylight hours. There was a potential concern that the large windows of the restaurant could produce a large light source at night but these are positioned overlooking the car park and not facing the monuments, as such there will be no additional impact on the setting of the designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort at night.

The intervening topography and buildings probably blocks views to the proposed development from MM010 Abergavenny Bridge, but if not, the impact on the setting of the bridge will be the same as the impact on the settings of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort.

This proposal also lies within 1km of the historic parks and gardens known as PGW (Gt) 9 Abergavenny Castle, PGW (Gt) 37 New Cemetery, Abergavenny and PGW (Gt) 59 Linda Vista Gardens, Abergavenny, which are included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

It is unlikely that the proposed development will be visible from PGW (Gt) 37 New Cemetery, Abergavenny.

The restaurant to which the signs are attached is located some 800m to the south of the registered park and gardens at Abergavenny Castle and Linda Vista Gardens and it is likely that it will be visible in views from them. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either registered site. The application area is located some 900m to the east of the boundary of the registered historic landscape, HLW (GT) 1 Blaenavon, which at this point includes the slopes of Blorenge It is part of a much larger development including a hotel and housing. The existing buildings of

Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the registered historic landscape.

The restaurant to which the signs are attached is located some 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of Bloreng. It is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the Outstanding Universal Values of the World Heritage Site.

It is noted that in their responses to this application and the associated ones both Torfaen County Borough Council and Brecon Beacons National Park have recommended that a condition, requiring an external lighting plan to be submitted prior to the development commencing in order to limit the impact of the development on the World Heritage Site, should be attached to any planning consent that is granted to this application and we support this recommendation.

MCC Green Infrastructure (GI) Team - On the basis of the information submitted, object to the current proposal.

Elevation of the site and the visual impact of a standardised MacDonald's unit and accompanying illuminated sign upon the surrounding landscape leading to a detrimental impact upon;

- Proximity to National Park, views into and out of
- Proximity to BILWHS views into and out of

As statutory designations;

- Proximity and visual impact upon and from key receptors including; local footpaths, Iron Mountain Trail, National Trails, cycle routes, A465 (primary route for Heads of the Valleys and gateway to BBNP) historic assets, tourism and leisure facilities, historic Market town of Abergavenny (key landmark features), local dwellings.

In addition the proposal has not provided the following;

- No LVIA has been provided to consider the impacts
- No viewpoints or photomontages to justify proposal
- Mitigation is inappropriate (i.e. shrub planting is insufficient both in height and density – native woodland planting would be required for screening purposes).
- GI has not been considered or integrated into the scheme.

Welsh Government Transport Division – no objections to this proposed development which forms part of the revised proposals submitted in 2009 forming part of DC/2008/00818.

4.2 Neighbour Notification

Total of 13 representations received, 4 specific to this application for signage only.
Object for the following reasons;

- This signage is completely inappropriate for this key gateway site. MCC and WG policy promotes local distinctiveness. This proposal is contrary to this.
- The proposal to light this signage 24 hours a day goes against of the Brecon Beacons Dark Skies area.
- These signs will compete with the key cultural and historic icons of Abergavenny such as the view of the castle and market hall from this section of the A465.
- These signs will distract from the key Wales Gateway views of the Bloreng, Sugar Loaf, Deri and Skirrid.
- For visitors, the first thing they will see as they approach Abergavenny is signage for a global corporation selling dubious quality food. This is not ideal for a town that promotes local food culture, the food festival, and a county that Visit Wales promotes as a food destination
- Light pollution
- Highly prominent position
- Drive-through architecture demands visual cacophony of road signs, road markings, railings and external lighting
- Tree planting on northern edge of site as required previously not mentioned in this application.
- Ruin views over the Bloreng
- Does not protect existing key landscape views and vistas
- Living in the new Barratt's development I would see the horrendous illuminated 'M' from my bedroom window every night which would destroy my view of the Bloreng.
- Concentrated, illuminated and branded development will be an eyesore to the detriment of the tourist industry.
- The elevated position of the proposed development means that all signage is likely to be visible from a great distance. All signs are therefore against the aim to "Conserve and enhance the unique landscape and natural beauty" stated in the local development plan, and while some signs need to be allowed, a concentrated, illuminated and branded development will be a huge eyesore to the detracting to the tourism industry that is so important to Abergavenny and the surrounding area

4.3 Other Representations

Abergavenny and District Civic Society – we believe that these applications, as submitted, should be refused. Community opposition should give the County Council the confidence to adopt a ‘take it or leave it’ stance, especially on design and signage issues.

While some of our members may have made personal representations or sympathise with objections made by others to this application, the Society aims to make a response that takes account of the planning history and the scope of planning control (as opposed to public health and other controls) and is consistent with the views expressed at the time of the Whitbread company applications on the Westgate site.

As was the case with these earlier applications, we regret a planning history that appears to make these trunk road services and the road layout incontestable in principle. But for this history of commitment and the extreme improbability of revoking previous decisions and paying compensation, the Society would probably object to this use on this site. If others find a sustainable reason to challenge these commitments we might well support their case. At this time we confine our attention mainly to the design of the proposal, minimising its visual impact and relevant weaknesses in the documents accompanying the application. We note that the Design and Access Statement has misleading content that should not be relied upon when assessing the proposals.

One part of the planning history may be particularly relevant: the 2001 refusal on appeal of an application by McDonalds for a site nearby on the A465. The inspector concluded, in the context of policy at the time, that the proposal did not help to sustain the town centre – as distinct from not detracting from the centre.

We have considered the applicants' sequential test information. They base their case on the proposal being for a 'drive-through' restaurant mainly to serve trunk road users. Yet only a proportion of their customers will use the 'drive-through' element; most will sit in the restaurant and many of these will be local. We believe that a closer examination of their likely patronage is likely to suggest at least that only a smaller restaurant satisfies the sequential test. The majority of their custom would be better served in accordance with policy by a 'walk-in' site in or on the edge of the town centre. Whether or not there is such an opportunity, and whether we would support it, is not our present concern.

Otherwise our main concern is that the elevation and prominence of the proposed building will be unacceptable. The applicants have provided no proposed sections through the site and adjacent land, or drawings showing the relationship of their development to approved or pending buildings to the west, or in the wider landscape setting. They do describe their building as 'elevated above the Heads of the Valleys Road'. This would not square well with the 'respect for views' requirement of LDP Policy DES1. The applicants must be required to provide more information on these matters, and we would wish to comment further.

Furthermore, the orientation of the building, which has a footprint approaching that of the Premier Inn, conflicts with the grain of its surroundings by not being parallel with the A465 and its slip road.

The prominence in a remarkable landscape setting, even if reduced, means that the appearance of the restaurant is a critical consideration. We object to the submitted proposals. To meet the requirements of Policy DES1 this location requires a building that contributes to a sense of place and respects the local characteristics of this edge of the countryside at a gateway to an historic town, a World Heritage Site and a National

Park. The proposed standard corporate image based on a 'natural and neutral' pallet of contemporary materials does not satisfy the needs of this site. The variety of materials and colours, some in substantial blocks and alien in the local context, together with an excessive amount of signage on the building, is inappropriate here. A simpler and less obtrusive building, perhaps more traditional, making use of Pennant sandstone, slate and possibly suitably coloured brick and stained timber should be required. A modest amount of signage on the building would adequately advertise its use. Again, we would wish to comment on any revised proposals for the building.

The Design and Access Statement refers to a 'contemporary twist' in the landscaping and admits that it may not be reflective of the surroundings. The submitted plans appear to show little more than hard surface treatments and grass, where some locally native shrubs and trees could soften the transition between the building and the countryside. As elsewhere on the Westgate site, we would like to see grassland of native plants managed for wildlife and aesthetic benefits.

With regard to Policy DES3, the proposed amount of free-standing signs and advertisements is excessive. Apart from clear signage on the building, there is no need for anything but warning and directional signs for customers. Illumination should be the minimum necessary to promote the business and for safety purposes, and we oppose 24 hour opening in this exposed urban fringe position.

We note that the applicants promise 65 full or part time jobs (probably mostly the latter). Even if much of their custom is captured and new to the area, some will be at the expense of local traders and jobs. Decision-makers should not be unduly swayed by these figures.

We question the suitability of the complex planned road and pedestrian access arrangements. The traffic generation of three refreshment facilities seems likely to exceed the volumes envisaged when the layout was approved and a fresh safety audit is essential. (LDP Policy MV1).

McDonalds are particularly likely to attract young cyclists and pedestrians from Abergavenny. The deficiencies of the highway system for these users are already very evident, particularly when crossing the Usk and the A465 junction. This situation would be aggravated if this part of A4136 became a trunk road. At the very least, if approval for McDonalds and Costa is granted, substantial s106 planning obligation (or CIL) funds should be secured for improvements that enhance pedestrian and cyclist approaches to this commercial area, including the Usk crossing (LDP Policy MV2).

Further comments received following amendments to materials - We agree that the revised materials represent a cosmetic improvement to an otherwise unaltered building, though we ask that the sandstone is not stark red but a more mottled grey, purple and red to be consistent with the Pennant stone generally used locally (and hopefully elsewhere on the Westgate site).

However, the more fundamental concerns and objections stated in our letter of 17 October 2014 remain, despite a number of revisions posted on line since then. The

discussion at Planning Committee when the Costa proposal was approved has led us to take the view that the prominent impact of that building and McDonalds, if approved, can only be lessened, over time, by extensive native woodland planting on the steeper slopes visible from the A465. Customers would be adequately attracted by glimpses of the buildings and a modest amount of signage, preferably coordinated and not including a backlit 8m totem sign at the top of the slope.

SEWBREC Search Results – Various species of bats recorded foraging/commuting and Great Crested Newts within the vicinity of the site.

Wales & West Utilities – Wales & West Utilities apparatus may be directly affected by these proposals. Note to applicant.

4.4 Local Member Representations

Local Member Cllr Hickman – This application is contentious and there seem to be campaigns on both sides now with a fairly even split of for's and against on the online comments. I have always said that I will try and represent the views of the majority of residents of my ward. I will attend the planning meeting and speak on the day, I think with a level head. No doubt that something will eventually be built here, whatever it will be must be right, in keeping with the surroundings, and with design conditions put on whoever the builder is. No large 40 foot high advertising poles etc. I will of course continue to listen and monitor the situation.

5.0 EVALUATION

5.1 Principle of Development

Local Development Plan Policy DES3 deals specifically with advertisements;

Proposals for advertisements will only be permitted where:

- a) having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) if located within the open countryside they would not unacceptably detract from the rural setting of the locality;
- c) if located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) if located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

The use of the building as a drive through restaurant will clearly require some signage and is acceptable in principle subject to the above criteria that relate to the potential visual impact of signage.

The proposed fascia signs are not considered to be excessive in scale and given that the building to which they will be attached is single storey, it is unlikely that views into and out of the National Park and Blaenavon Industrial Landscape World Heritage Site will be affected by the signage. As such the Policies LC2 and LC3 are not considered to be relevant to this application.

5.2 Visual Impact

It is important to view the proposed signage within the context of the wider area that includes the council waste transfer station, a hotel and pub/ restaurant development and land allocated for industrial use as well as the A465 dual carriageway which is lit by street lighting.

With regards to criterion (a) there is currently no signage in the area except for at the entrance to Westgate Yard which is some distance to the west of the application site although there is an extant consent for a Premier Inn, Brewers Fayre and Costa Coffee unit on the adjacent site which will inevitably have some associated signage (although no applications for advertisement consent have been submitted to date). The site as a whole is large and even if the potential signage on the adjacent site is taken into consideration it is not considered that three fascia signs displaying the name of the restaurant, and three signs displaying the McDonalds emblem (the 'golden arch') on this proposed building will result in an unacceptable clutter of advertisements. Any applications for signage on the adjacent site would have to be considered on their own merits having regard to the McDonalds site, should consent be granted.

Criterion (b) requires that advertisements do not detract from the rural setting when located in the open countryside. Given that this site is allocated for office and industrial use in the LDP and the proposed signage is on a single storey building and therefore will have a limited impact on the wider area which is open countryside, it is not considered that this criterion applies.

Criterion (c) refers to advertisements in conservation areas only which is not relevant in this instance.

Criterion (d) requires that in the open countryside illumination is only appropriate to uses that reasonably expect trade at night. Although as described above the application site is not within open countryside, the restaurant clearly expects to trade at night. It should be noted that the applicants have indicated that although a 24 hour licence to serve hot food will be sought, it is unlikely that the restaurant would remain open for the full 24 hours a day, 7 days per week, due to a lack of passing trade overnight. As part of McDonalds' building management system, all illumination would automatically be switched off when the last member of staff has left the building in order to save energy. This can also be conditioned. The level of illumination proposed is roughly half of that normally used in illuminated signage. This aspect can also be conditioned if deemed necessary.

The planting approved under the earlier Section 106 Agreement and that to be implemented by McDonalds will help to screen the proposed building and soften the impact over time (see paragraph below).

5.3 Residential Amenity

There are no residential properties in the immediate vicinity of the application site that would be directly affected by the proposed development. Due to the orientation of the building, no signs will face directly onto the A465 or the Barratts development beyond. The closest of the new Persimmon homes currently being constructed elsewhere on the site will be some 140 metres from the site which is an adequate distance for any illuminated fascia not to cause a nuisance. The housing will also be separated from the site by a linear park that will include tree planting as well as potential employment-related development on intervening land.

5.4 Landscaping

The application site is elevated and any development including associated signage will have a wider visual impact upon the surrounding landscape as the site can be viewed at distance from local Public Rights of Way, the Iron Mountain Trail, National Trails, cycle routes, A465, historic assets and nearby tourism and leisure facilities.

The landscaping scheme for this site must be implemented in accordance with the ecological framework outlined in the previously approved Great Crested Newt Mitigation Strategy which is part of a Section 106 Legal Agreement for the whole of the Westgate site. This includes an 18 metre belt of new tree and shrub planting on land immediately adjacent to the east of the application site on land outside the applicant's control. As part of the wider site development, the existing road to the Waste Transfer Station will be removed and landscaped over resulting in a more gradual slope upwards from the edge of the slip road to the edge of the site. The slope will be around 10 metres wide and will be planted up with trees and shrubs. A small part of that road running parallel to the Heads of the Valley slip road leading to the waste transfer station will remain in the north eastern corner of the site and therefore the landscape buffer will be reduced.

Within the application site itself, McDonalds are proposing to plant ten native species trees which will be between 4 and 4.5m tall and four smaller 2–2.5m multi stem trees around the edge of the site although additional planting will be required by condition between the proposed drive through area and the A465. A new native hedge is also proposed along the western and northern boundary with the new access road to the waste transfer station. The remainder of the site that is not required for car parking will be grassed.

It is considered that the planting required under the earlier Section 106 Agreement and that proposed by McDonalds will help to screen the proposed building and signage and soften the impact over time when viewed from the Heads of the Valleys road as well as more distant views from Abergavenny Castle. Views from the Blorengel will be against the back drop of the A465, its associated lighting and the substantial housing development beyond and when viewed in context with the approved Premier Inn, Brewers Fayre and Costa, existing Westgate Yard buildings and council waste transfer station, the proposed signage is unlikely to significantly affect the character of the area.

5.5 Biodiversity

The site is not recorded as a foraging area or commuting route for bats that are the only species recorded within the vicinity of the site that are sensitive to light.

6.0 RECOMMENDATION: APPROVE

Conditions:

1	<ol style="list-style-type: none">1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.3. Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).
2	The illumination of the signs hereby authorised shall be non-intermittent.
3	The illumination of the signs hereby authorised shall be switched off when all staff have left the associated restaurant.

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DC/2014/01000

MCDONALD'S DRIVE THROUGH RESTAURANT

WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST

RECOMMENDATION: APPROVED

Case Officer: Kate Bingham

Date Registered: 15th September 2014

1.0 APPLICATION DETAILS

- 1.1 This is a full planning application for a free standing restaurant with drive-through on the former Westgate Farm site on the edge of Llanfoist. The site fronts the Heads of the Valleys Road and is allocated as an employment site in the adopted Local Development Plan (SAE1 (d)). The site forms part of a wider 'commercial' development approved under outline consent DC/2008/00818 granted on 14th October 2010, and detailed planning permission has been granted for Premier Inn, a Brewers Fayre restaurant and a Costa Coffee unit.
- 1.2 It is proposed to construct a McDonald's unit with a floor space of approximately 405 sq. metres. The access will be via a spine road serving the wider development site which was approved under Reserved Matters consent DC/2013/00266. The proposed restaurant would offer customers the choice of eating within the restaurant or taking away from either the counter or from the drive-through lane. The proposed restaurant itself would be able to accommodate 100 diners at any one time. An outdoor area is also proposed which would include furniture for dining outside on a patio.
- 1.3 It is proposed that the restaurant would operate potentially 24 hours per day, 7 days a week in order to maximise passing trade from travellers using the Heads of the Valleys trunk road as well as other customers that wish to use the facility outside normal business hours. The peak periods are usually lunchtimes followed by evenings and then breakfasts.
- 1.4 Servicing of the restaurant is undertaken by a dedicated supplier and takes place approximately 3 times per week lasting 15-45 minutes depending on the delivery. The type of restaurant proposed at this site normally employs at least 65 full and part time staff.
- 1.5 To ensure uniformity throughout the world, all franchises use standardised McDonald's branding, menus, design layouts and administrative systems. However, officers have negotiated design improvements to the restaurant to better suit the local context, including stone cladding to reflect Abergavenny Market Hall, and dark grey panelling and natural wood battens.
- 1.6 The proposed signage does not form part of this application but is considered in three further separate applications.

2.0 RELEVANT PLANNING HISTORY

DC/2008/00818 - A) residential and commercial development (outline) B) Alterations and improvements to the existing highway network, improvements to the drainage network (detailed application) - Approved October 2010.

DC/2013/00266 - Approval of reserved matters relating to the access arrangements for the entire site, and full details of all reserved matters (layout, scale, external appearance, access and landscaping) relating to the residential element of the site, as permitted by outline planning permission DC/2008/00818 - Approved September 2013.

DC/2013/00856 - Erection of 61 bedroom hotel (Class C1) and associated restaurant / public house (Class A3) plus associated access, car parking and landscaping – Approved January 2014.

DC/2013/00871 – Costa Coffee restaurant with drive-through facility; Approved August 2015.

DC/2014/00998 – Various signs associated with McDonald’s restaurant; Current.

DC/2014/00999 – Various signs associated with McDonald’s restaurant; Current.

DC/2014/01001 – Installation of a freestanding 8m totem sign; Current.

3.0 NATIONAL PLANNING POLICY

3.1 Planning Policy Ed 7 (July 2014)

Planning Policy Wales Edition 7 July 2014 (PPW) provides the national planning policy context against which the application proposal should be judged.

Shopping Guidance

Chapter 10 ‘Planning for Retail and Town Centres’ provides the Welsh Government’s guidance on shopping issues. These seek to:

- *“secure accessible, efficient, competitive and innovative retail provision for all the communities of Wales, in both urban and rural areas;*
- *promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions; [our underlining]*
- *enhance the vitality, attractiveness and viability of town, district, local and village centres; and to*
- *promote access to these centres by public transport, walking and cycling.”*

The guidance goes on in paragraph 10.1.2 to describe the need for co-location of retail facilities in town, district, local and village centres.

“Wherever possible this provision should be located in proximity to other commercial businesses, facilities for leisure, community facilities and employment. Town, district,

local and village centres are the best locations for such provision at an appropriate scale. Such co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to use means of transport other than the car, will provide the greatest benefit to communities. This complementary mix of uses should also sustain and enhance the vitality, attractiveness and viability of those centres as well as contributing to a reduction of travel demand.”

Paragraph 10.2.4 describes the need for a diversity of uses within centres including restaurants.

“Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a diversity of uses in centres. Mixed use developments, for example combining retailing with entertainment, restaurants and housing, should be encouraged so as to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit town and district centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.”

Paragraph 10.1.3 describes the matters that determine the vitality and viability of a shopping centre.

“Vitality is reflected in how busy a centre is at different times and in different parts, attractiveness in the facilities and character which draw in trade. Viability, on the other hand, refers to the ability of the centre to attract investment, not only to maintain the fabric, but also to allow for improvement and adaptation to changing needs.”

Paragraph 10.3.1 of PPW describes the matters that local authorities should take account of when determining applications for new retail development or other uses best located in a town centre. These include the following of relevance to the application proposal:

- *compatibility with a community or up-to-date development plan strategy*
- *consideration of the need for the development*
- *the sequential approach to site selection*
- *the impact on existing centres*
- *accessibility by a variety of modes of travel*
- *the impact on overall travel patterns, and*
- *any improvements to public transport*

Need

Paragraph 10.3.3 of PPW states:

“Where need is a consideration precedence should be accorded to establishing quantitative need. It will be for the decision maker to determine and justify the weight to be given to any qualitative assessment as outlined in paragraph 10.2.10. Regeneration and additional employment benefits are not considered qualitative need

factors in retail policy terms, though they may be material considerations in making a decision on a planning application.”

In respect of qualitative need, paragraph 10.2.10 of PPW says:

“Qualitative assessment should cover both positive and negative implications. Where the current provision appears to be adequate in quantity, the need for further allocations must be fully justified in the plan. This may be the case if new provision can be located where it:

- supports the objectives and strategy of an up-to-date development plan or the policies in this guidance*
- is highly accessible by walking, cycling or public transport;*
- contributes to a substantial reduction in car journeys;*
- contributes to the co-location of facilities in existing town, district, local or village centres;*
- significantly contributes to the vitality, attractiveness and viability of such a centre; or where it alleviates a lack of convenience provision in a disadvantaged area.”*

Sequential Approach

Paragraphs 10.3.4 and 10.3.5 describe the onus upon applicants in respect of the sequential approach.

“Developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach, before out-of-centre sites are considered for key town centre uses. The onus of proof that more central sites have been thoroughly assessed rests with the developer and, in the case of appeal Welsh Ministers will need to be convinced that this has been undertaken. This approach also requires flexibility and realism from local planning authorities, developers and retailers. To maximise the opportunities for new development in centres, developers and retailers will need to be more flexible and innovative about the format, design and scale of proposed development and the amount of car parking, tailoring these to fit the local circumstances. ”

3.2 Technical Advice Note 4; Retailing and Town Centres

TAN4 (1996), which is still extant, provides additional guidance on how the retail guidance in PPW is to be applied. As the guidance on requirements for retail impact assessments is of limited relevance in this case, it is not quoted here. Although TAN4 is currently being reviewed by the Welsh Government, at this time the proposed revisions are at a very early stage and carry very limited weight. Moreover, there are no significant changes proposed to the current policy framework.

4.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 - Enterprise and Economy

S9 – Employment Sites 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

SAE1 - Identified Industrial and Business Sites
SD2 – Sustainable Construction and Energy Efficiency
SD4 – Sustainable Drainage

RET 4 – New Retail Proposals
LC2 – Blaenavon Industrial Landscape World Heritage Site
LC3 – Brecon Beacons National Park
LC5 – Protection and Enhancement of Landscape Character
GI1 – Green Infrastructure
NE1 – Nature Conservation and Development
EP1 – Amenity and Environmental Protection
EP3 - Lighting
MV1 – Proposed Developments and Highway Considerations
MV2 – Sustainable Transport Access
DES1 – General Design Considerations

5.0 REPRESENTATIONS

5.1 Consultation Responses *(It should be noted that these comments pre-date the design amendments)*

5.1.1 Torfaen County Borough Council – No objections to the basic design of this proposal.

This site forms part of the site SAE1D which is allocated for industrial use within the adopted Monmouthshire LDP for 2011 – 2021. The part of the site allocated to McDonald's lies to the extreme north east of SAE1D immediately adjacent to the A465.

It is noted that detailed planning consent has been granted for a three storey budget hotel, food led pub/restaurant and a coffee shop on the adjacent site, with these developments enveloping the proposed McDonald's. Additional consent has been given for a 44 dwelling residential development to the south of the site (now 65 dwellings). This part of SAE1D visually lies between the existing outskirts of Llanfoist and the A465 with a depot immediately to the south.

Llanfoist itself lies between the development site and the Blaenavon Industrial Landscape World Heritage Site (BILWHS) and was developed during the late 20th century. Although it forms the principle gateway to the BILWHS from the north, its value in landscape, urban design and quality of built form can only be described as low.

Llanfoist currently lies outside of the BILWHS, nor is it planned to incorporate it within a proposed Buffer Zone to the BILWHS. Although the proposed development site can be seen from the BILWHS the development is unlikely to have a significant impact on the setting of the BILWHS or views into and out of the site due to the existing level of development in the area, most notably the Waste Transfer Station.

Although the BILWHS Partnership would not wish to object to the principle of developing this site for such a use, it is felt that the detailed design of the proposal should be considered and a sensitive design could substantially reduce the impact of the development.

Building

The drawings generally lack clarity and are difficult to decipher with the landscape and layout proposals being particularly confusing.

The actual building appears to be built of wood composite panels with an “Italian walnut” appearance up to 2m high with aluminium panels finished in RAL 6007, a dark green, and clay brown above. The latter appear to be folded into a trapezoid shape, and the rears would be visible from above. It is noted that these panels are described as the roof materials on the application form and the author was unable to determine what the actual flat roof would be covered with. There are additional panels of “natural stone facing from granite fiandre”. The author is not entirely sure exactly what material is meant here.

Nine signs appear to be proposed which comprise of four illuminated “McDonald’s” signs, one illuminated “Golden Arches” sign, two non-illuminated “Collect” signs and two non-illuminated “Drive-Through” signs.

The only detail given of the landscaping is that it is “modern” and that it “would not reflect the generic nature of the landscaping which surrounds many retail parks.”

There is very limited reference to lighting within the application which is mentioned only twice.

Specific Comments

Whilst there is no objection to either the principle of the development or the overall design, it is felt that the proposed materials could perhaps be more sensitively selected to include local stone and timber finish. Should this be done then the development could respond significantly better to its local context.

It is noted that the DAS refers to plant being on the roof which the author would expect but there is no other indication within the application of the form or extent of this plant. The extent and form of the roof machinery should be established, as should the roof finish, and these elements should form part of the application.

Given the size of the car park, the application lacks a comprehensive lighting scheme. The lighting requires careful consideration and perhaps moderation, especially given its potential impact on the BILWHS.

The landscaping needs to be carefully considered and should respond to local context, especially the Brecon Beacons National Park and the BILWHS.

It is also suggested that the conditions recommended within the BBNP comments on landscaping and lighting be included within any consent that the authority is minded to give as well as the following conditions;

1. A condition requiring the extent and form of any roof machinery be submitted to and approved by the LPA prior to development commencing on site.
2. A condition requiring the roof finish to be submitted to and approved by the LPA prior to development commencing on site.
3. A standard materials condition.
4. A comprehensive lighting scheme to include both illuminated signs and general lighting to be submitted to the LPA prior to development commencing.

5.1.2 Brecon Beacons National Park Authority – Objects to the proposed development on grounds that the proposed restaurant and associated advertisement proposals would have a detrimental landscape and visual impact on both views into and out of the National Park to the detriment of its special qualities.

Section 63 of the Environment Act (1995) sets out the statutory purposes of the National Park as follows:-

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

Policy Context

Planning Policy Wales 7th edition 2014 (PPW) acknowledges the statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. In particular, PPW states that National Parks "*must be afforded the highest status of protection from inappropriate developments*" (paragraph 5.3.6) and that issues are not confined by administrative boundaries and that the duty to have regard to National Park purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area (paragraph 5.3.7).

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- Peace and tranquillity - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.

- Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- Sense of place and cultural identity - "Welshness"
- Sense of discovery
- Sweeping grandeur and outstanding natural beauty
- Contrasting patterns, colours, and textures
- Diversity of wildlife and richness of semi-natural habitats
- Rugged, remote and challenging landscapes.
- Enjoyable and accessible countryside
- Intimate sense of community

Policy LC3 of the Monmouthshire Local Development Plan states that development in the vicinity of the Brecon Beacons National Park should only be permitted where it would:

a) preserve or enhance the landscape setting, as defined through the LANDMAP process;

b) have no serious adverse effect on significant views into and out of the National Park

and that “*development that would cause unacceptable harm to the qualities that justify the designation of the Brecon Beacons National Park or its setting will not be permitted*”.

Policy LC2 of the Monmouthshire Local Development Plan places similar requirements on developments that affect the setting of a World Heritage Site.

Proposal

The application site is located in an elevated position, and at its nearest, is approximately 1km east of the Brecon Beacons National Park boundary which at this point follows the Brecon and Monmouthshire Canal before turning north towards the southern boundary of Neville Hall Hospital. The Blaenavon World Heritage Site also partly shares the National Park’s boundary at this location. It is understood from the application documentation that the proposal involves the erection of a freestanding restaurant and associated advertisements, including a 12m internally illuminated totem pole, on a site area of 0.3ha.

The information provided as part of the application is generally poor and limited detail has been provided in terms of the landscape and visual impact that this development would have despite its elevated position adjacent to the A465 and in close proximity to the Brecon Beacons National Park, and Blaenavon World Heritage Site. It is acknowledged that this proposal is located within a wider area that is designated within the Monmouthshire Local Development Plan for employment purposes even though it has benefit of outline planning permission for residential and commercial uses. However, significant concerns are raised in relation to the landscape and visual impact of this development on the National Park based on the information submitted at present.

The Landscape and Character Assessment for the Brecon Beacons National Park (2012) seeks to identify specific landscape characteristics of the National Park and particularly seeks to inform means in which these landscape characteristics should be

protected and/or enhanced. The application site is generally at its nearest to the Bloreng Hill and Slopes Landscape Character Area where the impact of surrounding settlements outside of the National Park is acknowledged and the need to reduce the visual impact of development on the National Park is highlighted.

Whilst it is understood that the proposal will result in the removal of existing unsightly buildings, concerns are raised in relation to the proposed restaurant in terms of its elevated siting, landscaping treatment, external lighting and the erection of a 12m illuminated totem pole. In particular, it is considered that the proposal would interrupt views into and out of the National Park and would introduce a highly visible vertical feature, in the form of the 12m illuminated totem pole, that would break the existing skyline and would also introduce a feature that would be highly visible at night to the detriment of the overall character of this area and the setting of the National Park and the area of the Blaenavon World Heritage site situated within. The proposal would, by reason of its elevated position, 24 hour illumination and what appears to be a lack of landscaping, in the Authority's opinion, create an intrusive feature in the skyline interrupting views of the National Park to the detriment of its special qualities.

Whilst the submission of additional information may allay some of the above concerns, at present based upon the information submitted, the Authority **objects** to the proposal as it would result in the introduction of an intrusive form of development in an elevated position, illuminated for a 24 hour period, with limited landscaping that would interrupt views into and out of the National Park to the detriment of its special qualities.

Notwithstanding the above, if the Council is minded to approve the proposals, it is respectfully requested that the following conditions are imposed and that the National Park Authority are consulted when the relevant detail is submitted in pursuance of the conditions:

No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of both hard and soft landscaping, with a particular emphasis on the provision of landscaping that would assimilate the development within its wider setting having regard to its proximity to various public vantage points and the Brecon Beacons National Park Authority. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until a plan indicating the proposed ground levels and finished floor levels is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

5.1.3 Llanfoist Fawr Community Council – recommends refusal.

Following extensive consultation with the local community, LFCC wish to make the following representations to Monmouthshire County Council Planning Committee.

General Observations:

The application itself is of surprisingly poor quality in terms of accessibility of information and visualisation of impact in the surrounding area. Significant work has been done by members of the community to interpret the plans and enable people to get a sense of what they would mean for the area. We would argue that Monmouthshire County Council have failed in its duty to ensure that proper consultation takes place by allowing the applicant to submit plans which have such startling inadequacies - no 3D modelling , no context in relation to other proposed buildings on site, no overall site plan - in fact plans which are in essence incomplete.

Monmouthshire County Council Planning Committee will no doubt be aware of the intense public debate which this application has sparked and therefore the need for members of the public to access clear concise and accurate information. Llanfoist Fawr Community Council are aware of some support for the application based on the perception of job creation and a space for young people to gather in the absence of other facilities in the area. We would re-iterate the request made in 2013 when the Premier Inn application was made for land adjacent to proposed McDonald's site for there to be proper engagement with the communities of Llanfoist and Abergavenny to design an area which meets the needs of these communities for both housing, recreational and employment purposes and does not simply encourage a one size fits all model which will destroy the very distinctive landscape and its historical, cultural ecological and geographical heritage.

The application appears to be in contradiction to many of Monmouthshire County Council's stated policies set out in the recently published Local Development Plan - these are referred to throughout our objection.

Areas of Concern:

We have headed our objections under the themes of Visual Impact, Impact on Environment, Traffic and Transport, Sequential Test, and Health and Safety of Children. There are clearly areas of overlap within all of these and we would urge the Planning Committee to examine these carefully against their own policy statements.

Visual Impact:

This is the site for Mcdonalds seen from the top of Bloreng Mountain in the Blaenavon World Heritage Site. Clearly visible



The application includes no assessment of the specific impact of a highly visible – and lit – 24 hour drive through fast food outlet. In 2010 consent was given to application (DC/2008/00818) – titled somewhat misleadingly as Full - Improvements to Highways and Drainage Networks and Outline – Residential Development .The outline consent application makes very broad reference to commercial development and employment use. It is only in the Addendum to the Transport Assessment that references to specific types of development are made and these are only as a basis for calculating traffic data. The traffic projections have been based on the following: - builders’ merchant, 70 Bedroom Hotel with restaurant and leisure facilities 65 private dwellings Fast Food Outlet Business Park (27 units).

We re iterate that the application for a 24 hour drive through facility is a very significant and material departure from the outline planning permission granted in 2010 and the hybrid planning approval DC/2008/00818.

The issue of the impact of lighting has not been considered in relation to the coveted Dark Skies status awarded to the Brecon Beacons National Park - an issue which requires consideration for the entire site not just this application – and is relevant to policies on Visitor Economy which are crucial also considerations at the gateway to a market town which thrives on the promotion of its food credentials.

Thus we believe the application to be in direct conflict with policy LC2 which clearly states that development in the vicinity of the Blaenavon World Heritage Site will only be permitted where it would:

- a) preserve or enhance the landscape setting; and
- b) have no serious adverse effect on significant views into and out of the World Heritage site.

The location is highly sensitive given its position in the Usk Valley opposite Abergavenny and adjacent to Llanfoist, with its proximity to the World Heritage site and National Park. This unique valley set between the Sugarloaf, Blorence, Skirrid and Deri and approaching from the Midlands this is the real first place you sense you have arrived at the mountain-scape of Wales. We consider the application to have failed in relation to Policy S13 (Landscape, Green Infrastructure and the Natural Environment) which states that a development must

- (ii) protect areas subject to international and national landscape designations*
- (iii) preserve local distinctiveness, sense of place and setting*

We conclude that the design and material language of the building and its associated signage is totally unsuitable for such a sensitive location.

Impact on Environment:

There is considerable confusion as to whether a full ecological impact assessment has been completed for this significantly different application to that approved at outline level. The current application does not meet basic statutory requirements in relation to ecological information (the Biodiversity and Ecology officer has stated that ‘This application is not valid as there is no ecological information’).

The application has failed to demonstrate that it would not cause unacceptable harm to the communities of Llanfoist and Abergavenny in respect of light pollution, noise pollution and litter both in the immediate and wider environs. These are key factors in Policy S13:4 which clearly states that an application should seek to integrate landscape elements, green infrastructure, biodiversity features and ecological connectivity features, to create multifunctional, interconnected spaces that offer opportunities for recreation and healthy activities such as walking and cycling.

Those travelling along the A465 who require food / drink/toilets would naturally head into Abergavenny which is a thriving town with much higher letting rates and footfall than other comparable market towns. (Towns Alive 2014 Report). The proposal for a drive through McDonald’s and other associated food outlets would therefore appear to the casual visitor as the first – and last! – thing on offer in the area, making people suspect that the town itself is not worth visiting. Cafes and restaurants are surveyed as one of the primary reasons visitors visit Abergavenny. There is an argument that this is a product of there currently being no out of town alternatives, unlike other comparable towns which are now (proven by similar studies), ghost towns. Logic says that if people are given a ‘lazy’ out of town alternative, this can only reduce the visitors to the town centre thereby reducing its vitality. This is in direct contravention of Policy S6 Retail hierarchy ‘Proposals which undermine the retail hierarchy will not be permitted’.

Traffic/Transport Impact:

An application for a Drive through facility is of its very nature car-oriented requiring a significant number of passing vehicles to make it viable (20,000 per day on McDonald's own assessment). We contest that this is therefore an inappropriate development for an - albeit a roadside site – but one which is surrounded by existing housing and in the middle of a village location.

The pedestrian and cycling infrastructure in Llanfoist and between Llanfoist and Abergavenny is inadequate and unsafe and has long been a topic ignored by Monmouthshire County Council planners – in the building of Llanfoist school (lack of safe school routes) and in the recent residential developments. These proposals based on a drive through by their very nature encouraging car use will have an unacceptable impact on pedestrian and cycle safety. Young people in particular will be attempting to access this site on foot across a major slip road with numerous roundabouts and a minimum of 20,000 vehicular movements a day.

We consider the application to be in contravention of policy S16 ... *'all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by: Reducing the need to travel, especially by car; Promoting public transport, walking and cycling; Improving road safety;'*

The transport assessment in the application relies on base data from the hybrid planning permission DC/2008/00818 which is completely misleading as there have been very significant developments in Llanfoist since then. The assessment acknowledges that McDonald's would result in an increase on the previously assumed traffic levels (i.e. from a fast food outlet rather than a 24 hour drive through). Due to the significant road safety issues in this area, a completely new current transport assessment is required.

Sequential Test

The sequential test is inconsistent: it doesn't properly consider a town centre appropriate alternative. It is clear that a 'drive though' is not going to work in a town centre location and therefore a sequential test to prove this is wasting everyone's time. If however there is a 'need' for a McDonalds in the area (which we would dispute) there are some town centre outlet opportunities that could have been considered e.g. the former Richards store.

The application has shown no demonstrable need for a drive through in the location proposed at Llanfoist particularly as the Raglan Services now has planning consent with a range of fast food options – that is unless this application is part of a wider as yet undeclared interest in creating a Llanfoist Services Area? The proposal undermines the vitality of Abergavenny town and that of the new Raglan services.

Health and Safety of Children:

The proposals will create major health and safety issues for the young people of Abergavenny and Llanfoist. A number of objections have been submitted by Health professionals outlining the health issues associated with fast food and especially in a location so close to Llanfoist primary school and on routes to the secondary school

(King Henry) and those further afield accessed via the bus drop off and pick up points in Llanfoist.

The proposed restaurant is in a location primarily design for the convenience of users of the A465 as acknowledged in the applicant's submission. However a fast food restaurant also appeals to a relatively low age demographic group, most of whom cannot drive. The existing pedestrian/cycle route from Abergavenny to Llanfoist is not safe with major hazards at Llanfoist Bridge and the A465 roundabout. There is also a major danger of children from East Abergavenny making their way down and across the A465 to access the restaurant which will be a much shorter route for them.

These objections formed the basis of the McDonald's appeal refusal in 2001 and are as relevant now as they were then.

Summary:

We urge the Planning Committee to reject this application and not allow it to follow on the same misguided path as the application for Premier Inn and Brewers Fayre – these were submitted as very detailed design considerations from a very broad outline consent which had assumed low visibility screened buildings.

In rejecting this application the planning committee will be giving the people of Llanfoist and Abergavenny the opportunity to work with Monmouthshire County Council planners on a more innovative and thoughtful development which showcases the beauty and vitality of the area and celebrates its difference not conformity to a national model.

5.1.4 Llanover Community Council – recommends refusal.

McDonald's made a similar application about 10 years ago in respect of a site within the area covered by this Council. On that occasion the application was successfully opposed. The proposed new site is not a suitable location for a McDonald's outlet. It is on a very prominent site which will be out of keeping with the area. It is too close to the nearby waste management site. This Council feels that McDonald's would be better located within the town of Abergavenny rather than at a prominent site outside the town where it could discourage travellers from using the facilities offered by Abergavenny Town Centre.

5.1.5 Natural Resources Wales (NRW) – No objection. The proposed development is outside the flood zones outlines. Issues relating to European Protected Species (Great Crested Newts) were addressed through previous applications at this site.

5.1.6 Cadw – Negligible impact on any registered historic landscape or on the Outstanding Universal Values of the World Heritage Site.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic* proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

This advice is given in response to a planning application for the construction of freestanding restaurant with associated drive through lane, car parking and landscaping. The proposed development is located in the vicinity of the scheduled ancient monument known as;
MM010 Abergavenny Bridge
MM056 Abergavenny Castle
MM193 Abergavenny Roman Fort

The application area is located some 800m to the south of both designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort and will be clearly in view from them on the slope of the hill on the opposite side of the Usk Valley. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either monument during daylight hours. There was a potential concern that the large windows of the restaurant could produce a large light source at night but these are positioned overlooking the car park and not facing the monuments, as such there will be no additional impact on the setting of the designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort at night.

The intervening topography and buildings probably blocks views to the proposed development from MM010 Abergavenny Bridge, but if not, the impact on the setting of the bridge will be the same as the impact on the settings of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort.

This proposal also lies within 1km of the historic parks and gardens known as PGW (Gt) 9 Abergavenny Castle, PGW (Gt) 37 New Cemetery, Abergavenny and PGW

(Gt) 59 Linda Vista Gardens, Abergavenny, which are included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

It is unlikely that the proposed development will be visible from PGW (Gt) 37 New Cemetery, Abergavenny.

The application area is located some 800m to the south of the registered park and gardens at Abergavenny Castle and Linda Vista Gardens and it is likely that it will be visible in views from them. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either registered site. The application area is located some 900m to the east of the boundary of the registered historic landscape, HLW (GT) 1 Blaenavon, which at this point includes the slopes of Bloreng. It is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the registered historic landscape.

The application area is located some 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of Bloreng. It is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the Outstanding Universal Values of the World Heritage Site.

It is noted that in their responses to this application and the associated ones both Torfaen County Borough Council and Brecon Beacons National Park have recommended that a condition, requiring an external lighting plan to be submitted prior to the development commencing in order to limit the impact of the development on the World Heritage Site, should be attached to any planning consent that is granted to this application and we support this recommendation.

5.1.7 MCC Green Infrastructure (GI) Team - On the basis of the information submitted, object to the current proposal.

Elevation of the site and the visual impact of a standardised MacDonald's unit and accompanying illuminated sign upon the surrounding landscape leading to a detrimental impact upon;

- Proximity to National Park, views into and out of
- Proximity to BILWHS views into and out of

As statutory designations;

- Proximity and visual impact upon and from key receptors including; local footpaths, Iron Mountain Trail, National Trails, cycle routes, A465 (primary route for Heads of the Valleys and gateway to BBNP) historic assets, tourism

and leisure facilities, historic Market town of Abergavenny (key landmark features), local dwellings.

In addition the proposal has not provided the following:

- No LVIA has been provided to consider the impacts
- No viewpoints or photomontages to justify proposal
- Mitigation is inappropriate (i.e. shrub planting is insufficient both in height and density – native woodland planting would be required for screening purposes).
- GI has not been considered or integrated into the scheme.

5.1.8 MCC Planning Policy Team - The site is located within an allocated employment site designated in LDP Policy SAE1. The site is specifically allocated for B1 and B2 uses (SAE1d). Whilst the original outline planning permission (DC/2008/00818) related to 'commercial' development there has been a material change of circumstances since this permission was granted in that the Monmouthshire LDP was adopted on 27 February 2014.

In addition to SAE1, Policy E1 relating to the protection of existing employment land should be considered.

LDP Policy RET4 relates to new retail and commercial leisure/entertainment developments and states the preferred location of such proposals is within Central Shopping Areas (CSAs). Where it can be demonstrated that no suitable sites exist in the CSA then sites on the edge of the CSA should be considered before finally considering out-of-town sites. This site is located a considerable distance from the Abergavenny CSA, so it is not considered to be a site on the edge of the CSA. A number of detailed criteria are provided to assess proposed development outside the CSA, it should be considered whether there is a demonstrable need for the development (Criterion a), whether the development would have an impact on the trade/turnover, vitality/viability of the town and neighbourhood centres in Abergavenny (Criterion b), whether the proposed development is of an appropriate scale and type (Criterion c) and whether the proposed development would have a detrimental impact on future public or private investment needed to safeguard the vitality and viability of the centres (Criterion d). Criterion (e) relates to whether the site is in a location accessible to public transport, colleagues from highways would be able to provide comment on this. Criterion (f) refers to whether the proposal is located on land allocated for other uses, as noted above the land is allocated for B1, B2 employment use.

It is noted a Sequential Test report has been submitted, it is advised that this is referred to the Council's retail consultant for comment, who will also need to consider the impact of the proposal on the trade/turnover and vitality/viability of the town centre in accordance with criteria b) and d) of Policy RET4 and associated national policy.

Policies S16 and MV1 relating to proposed developments and transport and highway considerations should be considered.

Finally, Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively must be referred to.

5.1.9 MCC Retail Consultant –

- The spatial strategy as set out in PPW 2014 and the LDP 2014 (Policy S6) is to promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions.
- LDP Policy RET4 states that the preferred location for new retail and commercial/leisure entertainment developments is in the defined Central Shopping Areas (CSAs). Being outside Abergavenny CSA, the application proposal does not meet this requirement. Policy RET4 also requires that where new development is outside the CSA it should meet specified requirements. The relevant requirements in this case relate to ‘need’, ‘sequential approach’, and trade impact.
- An assessment of the ‘quantitative’ need for a McDonald’s restaurant in Abergavenny/Llanfoist would be highly theoretical and unlikely to be meaningful. It is therefore necessary to have regard to qualitative considerations.
- There are no McDonald’s restaurants in Abergavenny, the nearest being in Ebbw Vale and New Inn, some 14kms and 15kms distant respectively. A restaurant in the proposed location would be able to serve both Abergavenny and Llanfoist residents as well a passing trade for the A465 Heads of the Valleys Road. It appears to us therefore that a facility at the current location would draw trade from local residents and passing traffic, which can be regarded as satisfying a qualitative need. However, no clear evidence has been put forward by the applicant demonstrating a specific need for a ‘drive-through’ restaurant (as opposed to conventional restaurant) in the context of the PPW and LDP policy requirements.
- We have concerns about the applicant’s interpretation of sequential approach policy requirements. The applicant has investigated alternative sites capable of accommodating a restaurant including ‘drive-through’ facilities only, without allowance for any flexibility that could include a restaurant omitting the ‘drive-through’ element of the proposals. PPW 2014 clearly requires developers to adopt a flexible approach in terms of different elements of proposals and their servicing and access requirements.
- Although I have a longstanding knowledge of Abergavenny I have not inspected the town centre recently, and am not therefore in a position to comment on the applicant’s findings in respect of specific sites within or on the edge of the town centre. We presume that with your greater local knowledge you will be able to do this.
- A McDonald’s restaurant would compete most strongly with existing fast food facilities offering take-away products. However, it is highly unlikely that the fast food sector as a whole in the town centre would be significantly affected. Abergavenny has established a reputation for quality food, which draws large numbers of visitors as well as creating a brand and reputation for the town. It is inconceivable that quality restaurants would experience direct trade impact from a McDonald’s restaurant.
- We have noted that some objections to the application proposal express concern about possible damage to the ‘food’ reputation of the town of a

McDonald's restaurant. There is no objective way of testing any such potential impact. However, it seems unlikely to us that a McDonald's restaurant on the application site would have any material adverse impact on the perception and status of the town as a food centre.

- We have noted also representations made on the application proposal supporting the need for broadening the range of restaurant facilities on offer within the town.
- The application site is akin to a roadside location, where fast food facilities are commonly found. We note also that land next to the application site has been granted planning permission for a hotel, and Brewers Fayre restaurant. These are 'town centre' facilities' in planning policy terms and, if implemented, will establish a node of commercial uses in this location outside the town centre on the Valley Road A465. It is part of a wider area for which planning permission has been granted for residential and commercial development served by a new road layout.

5.1.10 MCC Public Rights of Way – comments are made without prejudice to unrecorded rights of which the council is unaware and maybe proven to exist under the Wildlife and Countryside Act, Section 53.

Observations:

Although there are no recorded Public Paths running through the site of the proposed development the applicant should be mindful of the Active Travel (Wales) Bill which requires new road schemes to consider the needs of pedestrians and cyclists at design stage to enable more people to walk and cycle and generally travel by non-motorised transport.

5.1.11 Welsh Government Transport Division – no objections to this proposed development which forms part of the revised proposals submitted in 2009 forming part of DC/2008/00818.

5.1.12 Dwr Cymru Welsh Water – No objections subject to conditions requiring surface and foul water to be drained separately from the site.

5.1.13 MCC Highways - No objections to the proposal from a highway standpoint.

The proposed development has already been the subject of detailed consideration and approval. Therefore the impact of the proposed McDonalds development has already been taken into account and the internal estate layout designed to accommodate the traffic and pedestrian movements generated by all the prospective developments on the site be they the existing Waste Transfer station and civic amenities site, the Hotel, Pub/Restaurant, Coffee Shop, residential development and outstanding commercial development.

It should be noted that the proposed McDonalds restaurant is located in what can be considered an out of town development and pedestrian footfall is likely to be light considering its location, however in saying this it should be noted that the development as indicated above has been designed to accommodate and promote pedestrian movement this has been achieved by the introduction of footways on both sides of the estate roads, internal junction crossing points, the widening and

enhancement of an existing public footpath to provide a direct link from the development to Merthyr Road and the introduction of a controlled pedestrian crossing point on the re-engineered A465 Heads of Valley off slip road between the existing and proposed new roundabout, see attached for information.

5.2 Neighbour Notification

Total of 748 representations received, 468 in support of the application (with the addition of or including 1477 members of a Facebook page in support of the proposal (on 22nd October 2014) and 269 objections (including a petition of 478 names and a Face book page opposed to the development with 1146 members).

5.2.1 Support for the following reasons:

- Bring jobs to the town by a company that has promotion prospects and real career paths for young people
- Bring jobs that offer better long term earning prospects than currently on offer in town, many of which are minimum wage, low hour or zero hour contracts
- Bring jobs that are suited to those with no qualifications
- Good in house training and development that other small businesses in the area cannot offer
- A 'Heavy Lifter' employer, i.e. offers in house training and career progression rather than relying on existing qualifications and experience
- McDonald's are supporters of local communities with sponsorship and jobs
- McDonald's support local charities through the Ronald McDonald programme
- Welcome a known and liked brand to the area
- Will help to update the town and bring Abergavenny into the 21st Century. It is not a retirement village!
- Somewhere local to give children a treat without having to travel too far
- Will reduce need for people to travel to Pontypool and Ebbw Vale
- Affordable restaurant for families with lower incomes who will not have to travel further afield.
- Venue for affordable family celebrations and parties for those who cannot afford high priced alternatives in Abergavenny.
- Pay enough Council Tax – would like somewhere decent to go as a family
- There are few places for children to meet their friends and younger children to have parties. Will keep children off the streets.
- Will bring new life to the town.
- Approval already given for similar uses on the site; why single out McDonald's?
- Out of the town centre and will improve the appearance of the area that is currently waste land.
- Not an eyesore as will be opposite a council depot, next to a waste transfer station, builder's yard and opposite a sewage works.
- Litter and noise objections raised are countered by the existing Weatherspoon's, Auberge, kebab shops, chip shops, takeaways etc. in town. This is an out of town site and better used than left derelict.
- Traffic flow around the town unaffected as the site is directly off a trunk road.
- Good venue for supervised contact between children and non-resident parents.

- Abergavenny needs more choice for all ages, tastes and budgets.
- Costa has been approved even though town already has one.
- Many people love McDonald's and this site would be easy access.
- Somewhere to get decent coffee or take a break in the evening or through the night for people on long drives.
- Responsibility of healthy eating is with parents and schools. There is nothing wrong with treats in moderation
- Will give the area a new modern look.
- Could be a boost to the local economy and encourage other new business in the area.
- Will lower fuel consumption from those who travel to Pontypool, Cwmbran and Ebbw Vale for McDonald's.
- Better diversity – a welcome change to all the charity shops and coffee shops in town.

5.2.2 Object for the following reasons;

- Building would ruin views of a naturally beautiful area.
- Conflicts with Welsh Government and MCC policy in favour of town centre locations for this type of development.
- Fails to contribute in any way to the vision of the LDP.
- Contrary to LDP Policies S8, S17, RET4, LC2, LC3, LC5, EP1 and EP3 (*See list of policies in Section 3.0*).
- Site allocated for B1, B2 and B8 uses, not commercial development.
- Not in keeping with the area.
- Negative visual impact with lighting and advertising.
- Excessive additional traffic movement and congestion.
- Local farmers would not benefit as food will be transported from a central depot. 60% of McDonald's chicken is imported from Brazil.
- Will harm Abergavenny's reputation as a 'foodie destination'.
- Will not create the type of jobs that MCC should be encouraging - majority will be zero hour contracts on minimum wage.
- Risk to cyclists and pedestrians as inadequate safe crossing points.
- Increased traffic through Llanfoist.
- Too close to the waste transfer station.
- Site too close to Llanfoist Primary School and bus stops used by secondary school pupils.
- Litter.
- Vermin.
- Increased noise levels (especially due to 24 hour servicing).
- Natural collecting point for drug and alcohol based anti-social behaviour
- Already 12 McDonald's within a 15 mile radius.
- Health risk – too easy for children/young people to access fast food regularly.
- LPA must consider and address the obesogenic environment and influences.
- Adverse impact on wildlife and habitat.
- Sewerage and drainage system in the area is inadequate and inappropriate with frequent blockages and lack of capacity for run off of excess groundwater.

- Take trade from town centre – undermines independent businesses on the high street.
- Will threaten existing eateries.
- Brecon Beacons National Park object.
- Off the shelf building with no thought given to surrounding buildings or landscape.
- Highly prominent position.
- Inappropriate at gateway to BBNP and BILWHS.
- Insufficient visual information submitted with the application.
- Drive-through architecture demands visual cacophony of road signs, road markings, railings and external lighting.
- Use requires a totem sign that is visible from A465.
- Because of insistence of having the drive-through element, this is the only suitable site under the sequential test. Sequential report is biased.
- Other necessary industrial and civic activities in the valley are well screened.
- Tree planting on northern edge of site as required previously not mentioned in this application.
- S106 requirements to improve pedestrian links between Abergavenny and Llanfoist not mentioned in this application.
- Unsustainable use as required 20,000 passing cars to be operational.
- Awkward canted roof.
- Will diminish the cultural value of Abergavenny.
- Ruin views over the Blorenge.
- Increased vandalism by people going to 24 hr McDonald's.
- No regard to using local building materials or quality landscaping.
- Adverse impact on Brecon Beacon dark skies area.
- Will prevent passing motorists from having to go into town.
- Undesirable effect on tourism.
- Promoting and selling unhealthy foods (e.g. a Big Mac contains 36% of daily recommended intake of fat for an adult).
- Not all issues relating to European Protected Species have been addressed.
- Pollution from standing cars at drive-through.
- Environmentally disruptive due to setting.
- Exploitation of children through advertising.
- One size fits all design not appropriate.
- Already fought off McDonald's in 2001.
- Will open the flood gates for other McDonald's and fast food chains.
- Missed opportunity for a local producer to go on the site.
- Adverse impact on residents and school from cooking smells.
- Premier Inn, Brewers Fayre and Costa is enough development.
- Out of step with local consensus.
- Should be encouraging people to eat less meat to reduce carbon footprint.
- Gives a 'down market' impression of the area.
- Does not protect existing key landscape views and vistas.
- Does not promote sustainable, safe forms of transport which reduce the need to travel.
- Site is rural and McDonald's drive-through units are associated with urban or semi-urban settings.

- Grotesque example of a multi-national chain's insensitivity to the needs and culture of a local community.
- Degradation of the green fringe between Abergavenny and Llanfoist.
- Will make Abergavenny like all other towns. Keep Abergavenny special!
- People should learn how to cook and be healthier.
- Once approved there will be no going back.

5.3 Other Representations

- 5.3.1 Abergavenny and District Civic Society – we believe that these applications, as submitted, should be refused. Community opposition should give the County Council the confidence to adopt a 'take it or leave it' stance, especially on design and signage issues.

While some of our members may have made personal representations or sympathise with objections made by others to this application, the Society aims to make a response that takes account of the planning history and the scope of planning control (as opposed to public health and other controls) and is consistent with the views expressed at the time of the Whitbread company applications on the Westgate site.

As was the case with these earlier applications, we regret a planning history that appears to make these trunk road services and the road layout incontestable in principle. But for this history of commitment and the extreme improbability of revoking previous decisions and paying compensation, the Society would probably object to this use on this site. If others find a sustainable reason to challenge these commitments we might well support their case. At this time we confine our attention mainly to the design of the proposal, minimising its visual impact and relevant weaknesses in the documents accompanying the application. We note that the Design and Access Statement has misleading content that should not be relied upon when assessing the proposals.

One part of the planning history may be particularly relevant: the 2001 refusal on appeal of an application by McDonald's for a site nearby on the A465. The inspector concluded, in the context of policy at the time, that the proposal did not help to sustain the town centre – as distinct from not detracting from the centre.

We have considered the applicants' sequential test information. They base their case on the proposal being for a 'drive-through' restaurant mainly to serve trunk road users. Yet only a proportion of their customers will use the 'drive-through' element; most will sit in the restaurant and many of these will be local. We believe that a closer examination of their likely patronage is likely to suggest at least that only a smaller restaurant satisfies the sequential test. The majority of their custom would be better served in accordance with policy by a 'walk-in' site in or on the edge of the town centre. Whether or not there is such an opportunity, and whether we would support it, is not our present concern.

Otherwise our main concern is that the elevation and prominence of the proposed building will be unacceptable. The applicants have provided no proposed sections through the site and adjacent land, or drawings showing the relationship of their development to approved or pending buildings to the west, or in the wider landscape

setting. They do describe their building as ‘elevated above the Heads of the Valleys Road’. This would not square well with the ‘respect for views’ requirement of LDP Policy DES1. The applicants must be required to provide more information on these matters, and we would wish to comment further.

Furthermore, the orientation of the building, which has a footprint approaching that of the Premier Inn, conflicts with the grain of its surroundings by not being parallel with the A465 and its slip road.

The prominence in a remarkable landscape setting, even if reduced, means that the appearance of the restaurant is a critical consideration. We object to the submitted proposals. To meet the requirements of Policy DES1 this location requires a building that contributes to a sense of place and respects the local characteristics of this edge of the countryside at a gateway to an historic town, a World Heritage Site and a National Park. The proposed standard corporate image based on a ‘natural and neutral’ pallet of contemporary materials does not satisfy the needs of this site. The variety of materials and colours, some in substantial blocks and alien in the local context, together with an excessive amount of signage on the building, is inappropriate here. A simpler and less obtrusive building, perhaps more traditional, making use of Pennant sandstone, slate and possibly suitably coloured brick and stained timber should be required. A modest amount of signage on the building would adequately advertise its use. Again, we would wish to comment on any revised proposals for the building.

The Design and Access Statement refers to a ‘contemporary twist’ in the landscaping and admits that it may not be reflective of the surroundings. The submitted plans appear to show little more than hard surface treatments and grass, where some locally native shrubs and trees could soften the transition between the building and the countryside. As elsewhere on the Westgate site, we would like to see grassland of native plants managed for wildlife and aesthetic benefits.

With regard to Policy DES3, the proposed amount of free-standing signs and advertisements is excessive. Apart from clear signage on the building, there is no need for anything but warning and directional signs for customers. Illumination should be the minimum necessary to promote the business and for safety purposes, and we oppose 24 hour opening in this exposed urban fringe position.

We note that the applicants promise 65 full or part time jobs (probably mostly the latter). Even if much of their custom is captured and new to the area, some will be at the expense of local traders and jobs. Decision-makers should not be unduly swayed by these figures.

We question the suitability of the complex planned road and pedestrian access arrangements. The traffic generation of three refreshment facilities seems likely to exceed the volumes envisaged when the layout was approved and a fresh safety audit is essential (LDP Policy MV1).

McDonald’s are particularly likely to attract young cyclists and pedestrians from Abergavenny. The deficiencies of the highway system for these users are already very evident, particularly when crossing the Usk and the A465 junction. This

situation would be aggravated if this part of A4136 became a trunk road. At the very least, if approval for McDonald's and Costa is granted, substantial s106 planning obligation (or CIL) funds should be secured for improvements that enhance pedestrian and cyclist approaches to this commercial area, including the Usk crossing (LDP Policy MV2).

Further comments received following amendments to materials - We agree that the revised materials represent a cosmetic improvement to an otherwise unaltered building, though we ask that the sandstone is not stark red but a more mottled grey, purple and red to be consistent with the Pennant stone generally used locally (and hopefully elsewhere on the Westgate site).

However, the more fundamental concerns and objections stated in our letter of 17 October 2014 remain, despite a number of revisions posted on line since then. The discussion at Planning Committee when the Costa proposal was approved has led us to take the view that the prominent impact of that building and McDonald's, if approved, can only be lessened, over time, by extensive native woodland planting on the steeper slopes visible from the A465. Customers would be adequately attracted by glimpses of the buildings and a modest amount of signage, preferably coordinated and not including a backlit 8m totem sign at the top of the slope.

5.3.2 Public Health Wales – Approval of application would be contrary to plans for health improvement plans for Wales.

The comments below are in relation to the health improvement agenda as opposed to health protection – independent advice should be sought on that as appropriate.

The public health implications for this objection are clearly described in NICE (National Institute for Health and Care Excellence) Guidance 2010, 'Prevention of Cardiovascular Disease at a population level'. This states that local planning authorities have the powers to control fast-food outlets, which in turn impact on a community's health and well-being. In 2013 guidance to local authorities NICE recommends planning departments should:

- *“Use bye-laws to regulate the opening hours of take-aways and other food outlets, particularly those near schools that specialise in foods high in fat, salt or sugar”*
- *“Use existing powers to set limits for the number of take-aways and other food outlets in a given area. Directives should specify the distance from schools and the maximum number that can be located in certain areas”*

The lifetime risk of conditions such as cardiovascular disease and obesity is strongly influenced by unhealthy diet high in saturated fat, and low physical activity levels in childhood. Decreasing children's and young people's access to foods that may harm health will help to;

- prevent and reduce the risk of onset of chronic conditions which may develop later in life
- decrease patterns of unhealthy behaviour that start early in life
- influence positive health behaviour in children and young people

Evidence shows that an increasing number of hot food takeaway shops are operating within easy walking distance of schools or on residents' commute. Their low prices, coupled with location in relation to schools increase the likelihood of over consumption of food and particularly that which often provides disproportionate amounts of their daily nutritional requirements; salt, fat and sugar. In this application we estimate the development to be as close as 250 metres to the local community primary school. Those living in areas which are more deprived and disadvantaged and who opt for more unhealthy choices are also at increased risk of becoming ill and developing chronic conditions.

The Welsh Government and its partners in Local Government, the NHS, and the Third Sector have already recognised the importance of a good start to life for children and young people. This is reflected in the Aneurin Bevan University Health Board Public Health Strategic Framework (2011-15) and the emerging Childhood Obesity Strategy which has identified childhood obesity in Gwent as a priority action. It is also identified as a priority in a number of Monmouthshire specific plans including the Monmouthshire Healthy Schools and Appetite for Life Action Plans. Therefore consenting to the application would be contrary to the work of existing plans in Monmouthshire.

It is estimated that nearly two thirds (63%) of adults aged 45 - 64 resident in Monmouthshire are overweight or obese, and a fifth (20.6%) of children aged just 4-5 years are overweight or obese.

As joint protectors of the public's health, we as local health leads look to you, our Monmouthshire Local Authority planning department to influence the planning permission for such retail outlets, which could increase access to unhealthy food choices for young people and families. The restriction of access to take-away food outlets within close proximity to schools could result in significant health benefits for this vulnerable population group.

5.3.3 Abergavenny Transition Town - objects to the above planning application, for the following reasons:

Transport issues

The development does not promote sustainable, safe forms of transport which reduce the need to travel. As a drive-through it is inevitable that car use will increase, from the slip road from the A465, and from within Abergavenny.

At the same time, there is a strong likelihood that young people from Abergavenny, without access to a car, will choose to walk from Abergavenny to the development. It is not in a location accessible to public transport facilities. This would represent a serious risk of road traffic collision, especially the crossing of the slip road to the A465, and the entrance road to the recycling centre. There is a real risk of increased numbers of young people walking to McDonald's and being knocked over by cars leaving the A465 or the recycling centre. There is also a high risk of traffic accidents for pupils walking to the site from Llanfoist Fawr primary school.

In terms of the visitor economy, the development does not in any way enhance sustainable forms of tourism as it is not primarily a tourism attraction, and any tourists

who did wish to visit McDonald's would in all likelihood do so by car, which is not regarded as a sustainable form of transport due to its reliance on fossil fuels.

In terms of the County Council's Local Development Plan, the proposal fails Policy S16 - Transport and Policy S11 – Visitor Economy

Out of town development

The development is situated outside of Abergavenny and as such is an out of town development. There is a risk that it will drain spending from local businesses situated inside the town, and harm locally owned businesses. The proposal has not demonstrated that it would not have a detrimental impact on the trade /turnover, vitality and viability of Abergavenny.

In terms of the County Council's Local Development Plan, the proposal fails Policy RET4 – New Retail Proposals.

Local amenity

The proposal would definitively generate additional litter locally (this is the experience of other McDonald's Drive Through's in the UK). It would be impossible for litter pickers to collect litter that has blown onto the A465 and so the development poses a potential risk to drivers. In addition, the proposal (as a 24 hour, 7 day a week operation) would inevitably generate additional noise, light and litter, at all times of day and night, and so would substantially detract from the local amenity of Llanfoist, to the detriment of the local residents.

In terms of the County Council's Local Development Plan, the proposal fails Policy EP1 - Amenity and Environmental Protection and DES1 – General Design Considerations

Conclusion

As the application fails to meet the County Council's LDP policy on the above grounds, it should be refused.

5.3.4 Member of Parliament for Monmouth David Davies – Letter received;

Many residents have contacted me in recent weeks regarding the above planning application for a McDonald's outlet at Llanfoist. First of all, I have explained to everyone that MPs play no role in the planning system and I do not have the authority to intervene in any individual application.

I have advised constituents to put forward viable planning arguments if they wish to either support or oppose the application. Some people have said they specifically object to McDonald's and have concerns about the nutritional content of their food and the company's employment policies. Others have written stating McDonald's would provide an opportunity for families to go out for an informal meal after 6pm in the evenings without being restricted to pubs or licensed restaurants.

I appreciate there are a number of strongly-held opinions by those both for and against but, in my view, not all of these arguments constitute valid planning concerns. There

are, however, obvious worries about visual intrusion (particularly if the applicant is looking to erect large neon signs), litter problems, and potential traffic congestion in what is now a residential area. You will be aware I have spoken out in the past about protecting Monmouthshire's environment and scenery, which is so important to the local tourist industry.

I wish to draw your attention to these issues and would be grateful if they could be taken into consideration during the decision making process.

- 5.3.5 Abergavenny Action 50+ Group – three people supported the scheme, twenty-six people were opposed, ten people abstained.

Lively discussion centred around the choice of site. Concerns about increased road traffic, possible accidents, more signs, especially at the two A465 roundabouts, and its prominence in the landscape seen from around Abergavenny. While some thought McDonald's would be popular for young people as well as the road users, it was also considered too far from north Abergavenny; those without cars would find the journey difficult especially if there were no late buses. People felt they had been given little time to respond and they wondered what other sites had been considered and if the developer had purchased the site.

- 5.3.6 Llanfoist Primary School – The Council's Planning and Highways departments should be aware that some children walk to school, along the Merthyr Road under the A465 underpass before it turns into Gypsy Lane. This involves crossing a slip road and two junctions further along which currently have no pedestrian safeguards in the form of stop lights/zebra crossings, traffic control persons. In years to come we anticipate more children walking to school from the new housing estates that have been built, and are being built, opposite Waitrose.

The proposed development is bound to increase the amount of road traffic in this section of the Merthyr Road. We are therefore anxious to know what strategies/plans have been designed with reference to Merthyr Road and the immediate surrounding area, specifically to take into account both walking safely to school, and encouraging children to walk to school.

There is also a subsidiary point of traffic congestion as a result of the likely increased traffic. This may cause problems at school opening and closing times for those parents driving down Merthyr Road from Waitrose end in order to deliver and pick up children at school.

- 5.3.7 Abergavenny and Crickhowell Friends of the Earth group – Object for the following reasons:

1. The proposal violates principle of sustainability enshrined in the Welsh Government's remit, namely;
 - Planning for retail policy favours in-town locations, whereas the proposal is for out-of-town.
 - There are many existing in-town eating outlets which would be threatened by the proposal.
 - There is no assessment with the application on how many jobs will be lost in the town centre.

- Fast food outlets like this create unsustainable quantities of packaging litter.
2. The proposed site is on raised ground in a highly prominent position in the beautiful Usk Valley and shows no respect for environmental sensitivity, in violation of MCC Policy.
 3. The fast food nature of the food offering is incompatible with Abergavenny's aim to be a 'foodie' tourist destination.
 4. The site will attract many children and the associated complex road and roundabout system make it unsafe.
 5. Public health risk. Fast food outlets like McDonald's have long been associated with unhealthy food containing too much sugar, fat and salt which has fuelled the obesity crisis. A very recent report by a health think tank urges the Government "to scale back the large number of takeaways near schools to reduce children's intake of fast food as part of a renewed drive against obesity". The think tank's chief executive said "there are far too many fast food premises near schools. Limiting their number would have the support of schools and would help create a healthier environment for the schools. At the moment they are undermining school's attempts to help students to choose healthy options." Full report in the Guardian at this website: www.theguardian.com/society/2014/oct/10/takeaways-schools-obesity-thinktank The proposal is within easy walking distance of Llanfoist school and is therefore unsafe for children for reasons of both traffic and health.
 6. A similar proposal from McDonald's was rejected by a Planning Inspector in 2001 because he said it violated Welsh Government policy in that "it would not help to sustain Abergavenny". This criterion applies with equal force to the present proposal.

5.3.8 SEWBREC Search Results – Various species of bats recorded foraging/commuting and Great Crested Newts within the vicinity of the site.

5.3.9 Wales & West Utilities – Wales & West Utilities apparatus may be directly affected by these proposals. Note to applicant.

5.4 Local Member Representations

Local Member Cllr Hickman – This application is contentious and there seem to be campaigns on both sides now with a fairly even split of for's and against on the online comments. I have always said that I will try and represent the views of the majority of residents of my ward. I will attend the planning meeting and speak on the day, I think with a level head. No doubt that something will eventually be built here, whatever it will be must be right, in keeping with the surroundings, and with design conditions put on whoever the builder is. No large 40 foot high advertising poles etc. I will of course continue to listen and monitor the situation.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 This site benefits from outline planning permission for employment and commercial use granted in 2010. While the site is allocated under the current LDP (SAE1d) for B1 and B8 uses, the outline planning permission remains extant. The application has

not been submitted as a reserved matter to the outline consent as it is recognised that the proposed use does not fall within the uses granted permission. It should therefore be considered as a stand-alone application on its own merits. The site itself is relatively small being located between a service road and the existing council waste transfer depot. The applicant argues that the proposed drive-through restaurant cannot be accommodated within the town centre due to the size of site required and the need to be adjacent to a major through road, such as the Heads of the Valleys road. The proposed restaurant will generate employment and may encourage preferred B1 and B8 uses occupying the remainder of the site.

6.1.2 In terms of compliance with national planning policy, in paragraph 6.10 of the Retail Statement submitted with the application, the applicant appears to question whether the PPW guidance applies to the application proposal. It is considered that the reference to “*retailing, leisure and other complementary functions*” in paragraph 10.1.1. of PPW embraces a McDonald’s restaurant with ‘drive-through’ facilities.

6.1.3 Paragraph 10.2.4 of PPW describes the need for a diversity of uses within centres including restaurants.

“Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a diversity of uses in centres. Mixed use developments, for example combining retailing with entertainment, restaurants and housing, should be encouraged so as to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit town and district centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.”

6.1.4 The nearest town centre in this case is Abergavenny and the effect of the proposal on the vitality and viability of Abergavenny CSA is an important consideration. Paragraph 10.1.3 describes the matters that determine the vitality and viability of a shopping centre.

“Vitality is reflected in how busy a centre is at different times and in different parts, attractiveness in the facilities and character which draw in trade. Viability, on the other hand, refers to the ability of the centre to attract investment, not only to maintain the fabric, but also to allow for improvement and adaptation to changing needs.”

6.1.5 In response to PPW requirements, the LDP identifies a retail hierarchy within the County, which is described in Policy S6. Abergavenny is identified as one of the four ‘County Towns’. Policy S6 Retail Hierarchy says:

“All new or enhanced retail and commercial developments will be focused on the County’s main towns – Abergavenny, Caldicot, Chepstow and Monmouth – and in local / neighbourhood centres, and should be consistent in scale and nature with the size and character of the centre and its role in the retail hierarchy. Proposals which would undermine the retail hierarchy will not be permitted.”

6.1.6 Paragraphs 5.41-5.46 of the LDP describe the underlying issues and purpose of Policy S6, which include:

- Support for the County’s main towns which are vulnerable to ‘out-of-town’ developments;
- Promotion of the retail/service function of the town centres, which is fundamental to achieving sustainable development;
- The role of employment, leisure, tourism and cultural facilities in creating vibrant centres that are attractive to residents and visitors;

6.1.7 Policy RET2 of the LDP refers to Central Shopping Areas (including within Abergavenny town centre), within which there is a presumption in favour of proposals that will safeguard the vitality, attractiveness and viability of the centres.

6.1.8 Policy RET4 of the LDP relating to New Retail Proposals identifies the preferred location for new retail and commercial/leisure entertainment developments, and is therefore of particular relevance to the application proposal. It states:

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

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

6.1.9 It is considered that in order for planning permission to be granted the requirements of Policy RET4 of the LDP are required to be satisfied. The relevant issues in relation to the principle of this development are therefore ‘need’, the ‘sequential approach’, and impact on the vitality and viability of existing centres together with the current allocation of the land for employment. These are addressed below with comments on the applicant’s assessment that is principally limited to the sequential approach.

Need

6.1.10 Techniques for forecasting need, particularly quantitative need, are focussed on retail development. Although, paragraph 10.33 of PPW states that “*precedence should be accorded to establishing quantitative need*”, it is considered by the Council’s retail consultant that any such assessment in this case would be highly theoretical and unlikely to be meaningful.

6.1.11 Information on the existing restaurant/cafés on offer in Abergavenny is provided in paragraph 14.18 of the Monmouthshire Retail and Leisure Study 2010, which says;

“Abergavenny is well served by cafés and coffee shops, with approximately 18 facilities in the town centre. Restaurant provision is also good, although the Abergavenny Chamber of Trade has commented on a “perceived shortage of quality restaurants within the town”. In 2008, A3 retail units accounted for circa 2,281 sq. m of floorspace within the town centre.”

6.1.12 There are no McDonald’s restaurants in Abergavenny, the nearest being in Ebbw Vale and New Inn, some 14km and 15km away respectively. A restaurant in the proposed location would widen consumer choice in the area and be able to serve both Abergavenny and Llanfoist residents, as well as passing trade on the A465 Heads of the Valleys Road. It is also noted from some representations made in support of the proposal that the proposed restaurant would broaden the range of facilities on offer within the town. It is concluded that a McDonald’s restaurant in Abergavenny/Llanfoist can be regarded as meeting a *qualitative* need.

6.1.13 Whilst it is acknowledged that there is a qualitative need for a restaurant facility which would widen consumer choice, it is not clear that this extends to a specific ‘need’ for a restaurant with ‘drive-through’ facilities. No clear evidence has been submitted by the applicant demonstrating a specific need for a ‘drive-through’ restaurant (as opposed to a conventional restaurant) in the context of the PPW and LDP policy requirements.

6.1.14 In respect of new employment created by the proposal, paragraph 10.3.3 of PPW confirms that this is not a qualitative need factor, but is a material consideration for examination when determining the planning application.

Sequential Approach

6.1.15 The applicant has undertaken a sequential approach assessment in a separate report (Sequential Test (ST)). In applying the sequential approach the applicant draws a clear distinction between a conventional restaurant and a ‘drive-through’ restaurant, and that their sequential approach assessment investigates alternative sites for a ‘drive-through’ restaurant only.

6.1.16 It is accepted that the appropriate area of search is Abergavenny and Llanfoist and it is also accepted that the appropriate primary considerations are:

- *Site availability;*

- *Site suitability; and*
- *Site viability.*

6.1.17 There is no reason to believe that the application site itself does not satisfy these considerations, as put forward by the applicant in paragraph 5.10 of the ST report. However, the principal issue required to be addressed by policy is whether there are other sites within the area of search that can be identified using these criteria and whether those other sites are sequentially preferable in retail policy terms.

6.1.18 PPW requires developers (and local authorities) to adopt a flexible approach. Paragraph 10.3.5 says:

“To maximise the opportunities for new development in centres, developers and retailers will need to be more flexible and innovative about the format, design and scale of proposed development and the amount of car parking, tailoring these to fit the local circumstances. Rather than propose developments with a mixture of large scale retail and/or leisure uses and a large amount of car parking which can only be accommodated at single site out-of-centre or even out-of-town locations, developers are expected to demonstrate why they could not develop elements of the larger scheme on a site, or a number of sites, in more central locations with less car parking.”

6.1.19 It is considered that this guidance is relevant to the points made in paragraphs 4.7- 4.9 of the ST report, where the applicant distinguishes between a ‘drive-through’ restaurant and a conventional restaurant. McDonalds operates from both types of facility. Plainly the ‘drive-through’ model is less likely to be capable of being accommodated in town centre locations. While it might be possible to locate a sit-down McDonalds restaurant within Abergavenny town centre, it would not be possible to locate a drive-through restaurant there. Consequently, we would effectively be seeking an in-town McDonalds and an edge of centre/out of centre drive-through restaurant, both of which would have sit-in restaurant facilities.

6.1.20 The applicant has drawn attention to an appeal decision for a McDonald’s restaurant with ‘drive-through’ facilities in Treloggan Road, Newquay, ref: APP/Q0830/A/05/1182303. In this case the Inspector appears to treat a ‘drive-through’ restaurant as being a different type of facility to a conventional restaurant, despite the ‘drive-through’ McDonald’s including conventional restaurant facilities as well. In his decision letter the Inspector says: *“It is difficult to see how a developer could be flexible in respect of the format of a drive through restaurant. Unlike a conventional restaurant, which could easily be accommodated on any of the identified sites, a drive through by definition requires vehicular access and circulation through or around the building.”*

6.1.21 The views of the of the Inspector on this issue in respect of a case in Newquay (England) in 2005 do not sit comfortably with the current PPW 2014 guidance, which clearly seeks a flexible approach in terms of possible disaggregation of elements of the proposal and servicing/car parking.

6.1.22 In their analysis of potential alternative sites the applicant investigates sites that would be capable of accommodating the ‘drive-through’ model only, requiring a site of

approximately 0.3 hectares. It is noted that the applicant's comments on the unsuitability of vacant premises within Frogmore Street refer to a 'drive-through' rather than a conventional restaurant facility. However, this approach has been considered in some very public cases, with the outcome being that it is not for the development to be altered to fit alternative sites. Case law is categorical on this matter. In 2006, the courts held that it is not for the applicant to reduce or segregate their proposal to be made to fit elsewhere: "*The question is whether the alternative town centre site, in this case the existing Lidl site, is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit into the alternative site*" [Lidl UK GmbH v Scottish Ministers (2006)]

- 6.1.23 It is therefore not for the applicant to adapt their proposal to fit a site, rather to consider other sites that are of a suitable size that fit the proposal. In this case a drive-through restaurant.
- 6.1.24 In 2012, the courts confirmed that directing applicants to smaller town centre sites is inappropriate where those sites are unsuitable for the proposed use. The suitability is directed at the developer's proposal, not some alternative scheme: "*To refuse an out-of-centre planning consent on the grounds that an admittedly smaller site is available within the town may be to take an entirely inappropriate business decision on behalf of the developer*" [Tesco Stores Ltd v Dundee City Council (2012)].
- 6.1.25 The Rushden Lakes Secretary of State decision (APP/G2815/V/12/2190175) references the Dundee case. In agreeing with the Inspector, the Secretary of State confirms that the Dundee case established the principle that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential test. Thus, it is for the proposed development to be considered (not an alternative development), when looking at alternative sequential sites. The Inspector states "*There is no suggestion here that the sequential test means to refer to anything other than the application proposal*".
- 6.1.26 Having regard to case law, it is concluded that use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may be accommodated in specific locations. However, robust justification must be provided where this is the case. In this case it is considered that the applicant has adequately demonstrated that there is a need for a facility in the area and that there are no alternative sites within the town centre that are suitable to accommodate this use, these being too small or unsuitable for a drive-through facility. The proposal for a drive-through restaurant at this site is therefore considered therefore to meet the sequential test.

Trade Impact on Town Centre

- 6.1.27 As with need, techniques for forecasting trade impact, particularly quantitative impact, are focussed on retail development. TAN4 refers to the requirements of impact assessments for retail development without reference to any other 'town centre' uses. As noted above, however, PPW paragraph 10.3.1. does state that "*When determining a planning application for retail, leisure or other uses best located in a*

town centre” local planning authorities should take into account a variety of considerations, including *“impact on existing centres”*.

- 6.1.28 The existing provision of restaurants and cafés that was identified in the Monmouthshire Retail and Leisure Study 2010 as noted above. Abergavenny was noted as being well served, although the Chamber of Trade commented on a perceived shortage of quality restaurants within the town.
- 6.1.29 A McDonald’s restaurant would compete most strongly with existing fast food facilities offering take-away products. However, even if specific existing facilities in the town centre were to suffer a significant diminution of trade, it is highly unlikely that the fast food sector as a whole in the town centre would be significantly affected.
- 6.1.30 Abergavenny has established a reputation for quality food, a highlight of which is the Abergavenny Food Festival, which draws large numbers of visitors as well as creating a brand and reputation for the town. The town and its environs also have several high quality eating facilities. It is highly unlikely that such high quality restaurants would experience direct trade impact from a McDonald’s restaurant, given the significant difference in offer. However, it is noted that some objections to the application proposal express concern about the possible damage to the town’s ‘food’ reputation due to a McDonald’s restaurant. The Council’s retail consultant considers that potential damage to reputation can only be a matter of judgement, as there is no objective way of testing any such potential impact. However, given that the town centre already has a diverse range of restaurant, café, and take-away facilities catering for a wide variety of tastes and needs (not only the quality end of the market), it seems unlikely that a McDonald’s restaurant on the application site would have any material adverse impact on the perception and status of the town as a high-end food centre. Likewise it seems unlikely that the application proposal would adversely affect to a significant degree other investment in facilities in the town centre.
- 6.1.31 A proposal for a McDonald’s restaurant and drive through on the nearby Hardwick roundabout was dismissed at appeal by an Inspector in 2001 for two reasons with one of those reasons being adverse impact on Abergavenny Town Centre. Notably, this application was not accompanied by a sequential test approach report and minimal evidence of need and the Inspector determined that it did not accord with Planning Policy Wales. Since this appeal decision fourteen years ago, case law has been established through the courts that have given more direction on the interpretation of PPW. In this case the sequential test has been applied on the basis of the specific type of restaurant proposed with need being established as a result of the Heads of the Valleys dualling that has taken place since the last appeal. The other reason for refusal related to the appeal proposal being likely to lead to hazardous pedestrian movements across the A465 (T) at the Hardwick roundabout. That aspect is not relevant to the current application as the site is in a different location well away from the Hardwick Roundabout, and pedestrian movements have been catered for within the wider road layout at the Westgate development site (see comments from MCC Highways, above, and par. 6.72 below).

6.2 Economic Development Implications

- 6.2.1 The proposed McDonald's is expected to employ 65 full and part time people, primarily from the local area. The development will also have additional spend and supply chain benefits.
- 6.2.2 Although the quality of McDonald's as an employer is not considered to be a material planning consideration, it should be noted that the company has a good track record in this regard as it has a commitment to staff education through both internal training programmes and externally recognised qualifications. The potential jobs that McDonalds would create if approved are therefore welcomed from an economic development point of view.

6.3 Design and Visual Amenity

- 6.3.1 The overall design of the restaurant building is generic to the McDonald's brand. This is the intention of the developer who has indicated that the proposed building has been designed based on the function of the building and to reflect the McDonald's corporate image (as stated in the Design and Access Statement). However Officers have negotiated a number of improvements to the finish materials resulting in a bespoke finish far more in keeping with its surroundings.
- 6.3.2 It is important to note that the site is adjacent to the waste transfer station, dual carriageway and land allocated for industrial use with overhead electricity cables and pylons crossing the site and it is within this context that the proposal must be viewed. The proposed building is single storey but would be in an elevated position above the A465. However, in terms of scale and massing it is considered that the building would not be unduly prominent when viewed in the context of the industrial type sheds at the waste transfer station and the three storey hotel that has consent on the adjacent site. It should also be noted that this site has outline planning permission for commercial development and is allocated in the LDP for employment uses. Were this application to be refused, there will in all likelihood be another building on this site. It is not the case that the site will be left vacant or undeveloped. Concerns regarding visual impact and the wider setting should be considered in this context.
- 6.3.3 Torfaen County Borough Council have offered no objection to the building itself and do not consider it likely that it will have a significant impact on the setting of the Blaenavon Industrial Landscape World Heritage Site due to existing development in the area but have suggested that the proposed materials could be more sensitively selected to include local stone and timber finishes. This was a view echoed by Monmouthshire County Council officers and therefore materials more appropriate to the local area have been discussed with and agreed with the developer.
- 6.3.4 Colours proposed are khaki, dark grey and local stone colours rather than the bright red and yellow branding of older McDonalds restaurants. Following negotiation the orange/brown modern/urban wood-effect finish used on newer McDonalds has been deleted. The proposed finishes are now reddish sandstone cladding on two corners, based on the stonework on Abergavenny's Market Hall, timber effect vertical battens on two other corners, dark grey coloured panels, and large areas of glazing on the

principal elevations of the building (the end elevation facing the westbound carriageway of the A465 and the elevation facing the car park). Samples of the materials will be sought prior to the commencement of development. The roof is flat with a projecting brise soleil feature. In the typical form, a brise soleil is a horizontal projection extending from the facade of a building and are commonly used to prevent facades with a large amount of glass from overheating during the summer. In this case the canopy feature runs around each side of the building sloping back towards the roof with spaces on each corner. Louvres have been incorporated to some sections to allow the low-angle winter sun to provide some passive solar heating. This element will also screen any necessary roof plant from view. Even from the upper slopes of the surrounding hills, any views of the rooftop plant would be so distant as not to be harmful.

- 6.3.5 The site is elevated above the Heads of the Valleys, but is set well back, separated by an embankment to be landscaped. Details of levels have been shown via a section drawing that shows that the area where the building is being located is 2m below its original ground level. A full lighting strategy for external areas of the site has been conditioned, as referred to by BBNP, Torfaen and Cadw.
- 6.3.6 The planting approved under the earlier Section 106 Agreement on the 2010 outline consent is unaffected by this proposal and will still be undertaken. This combined with the limited additional landscaping proposed by McDonalds will help to screen the proposed building and soften the impact over time (see section 6.4 below) and it is considered that the use of muted colours and elements of local stone will help the building respond acceptably to the local context, being a unique materials palette to Abergavenny.

6.4 Landscaping

- 6.4.1 The application site is elevated above the adjoining road and any development here will have a visual impact upon the surrounding landscape and can be viewed from local Public Rights of Way, the Iron Mountain Trail, National Trails, cycle routes, A465 (T), historic assets and nearby tourism and leisure facilities. As stated above, the principle of buildings being located on this site is already established. However, landscaping needs to be a key element of this proposal.
- 6.4.2 Strategic landscaping for the wider site should be implemented in accordance with the ecological framework outlined in the previously approved Great Crested Newt Mitigation Strategy which is part of a Section 106 Legal Agreement for the whole of the Westgate site. This includes an 18 metre belt of new tree and shrub planting on land immediately adjacent to (east of) the application site on land outside the applicant's control. As part of the wider site development, the existing road to the Waste Transfer Station will be removed and the area landscaped resulting in a more gradual slope upwards from the edge of the slip road to the edge of the site. The slope will be around 10 metres wide and will be planted up with trees and shrubs. A small part of the road running parallel to the Heads of the Valley slip road leading to the waste transfer station will remain in the north-eastern corner of the site and therefore the landscape buffer will be reduced in that area. Part of the current application site for the McDonalds restaurant (the bank between the restaurant and the Heads of the Valleys road) would overlap with the strategic planting area. However, this area will

be planted up to complement the scheme already envisaged by the previously approved GCN mitigation proposal. Although the detailed landscaping is not shown on the drawings submitted with the application, the applicant has formally agreed that a pre-commencement condition requiring the submission of a scheme of landscaping that includes tree planting on the bank will be acceptable. The suggested condition is condition no.7 at the end of this report.

- 6.4.3 Within the application site itself, McDonald's are proposing to plant ten native species trees which will be between 4 and 4.5m tall and four smaller 2–2.5m multi stem trees around the edge of the site. A new native hedge is also proposed along the western and northern boundary with the new access road to the waste transfer station. The remainder of the site that is not required for car parking will be grassed. As noted in the preceding paragraph, a condition would seek to secure additional screen planting between the site and the A465 (T).
- 6.4.4 It is considered that the planting required under the earlier Section 106 Agreement and that to be implemented by McDonalds will help to screen the proposed building and soften the impact over time when viewed from the Heads of the Valleys road as well as more distant views from Abergavenny Castle. Views from the Blorenges will be against the backdrop of the existing waste transfer station and proposed planting and when viewed in context with the approved Premier Inn, Brewers Fayre and Costa, existing Westgate Yard buildings, A465 (T) dual carriageway and housing beyond, the proposed building is unlikely to significantly affect the character of the area.
- 6.4.5 As recognised by Cadw, the application area is located some 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of Blorenges. The site is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Blorenges and from the higher slopes it will merge into the urban conglomeration. As such, there will be a negligible impact on the Outstanding Universal Values of the World Heritage Site.

6.5 Green Infrastructure

- 6.5.1 The concept of wider Green Infrastructure improvements, ecology and landscaping was considered at the outline application stage for the wider site. Consequently it is not considered reasonable or necessary to seek to revisit that agreement simply because LDP Policy GI1 and associated Supplementary Planning Guidance are now in force, nor would it be within the scope of this current application to revisit that wider approval. The landscaping proposed as part of this application will be enhanced by the considerable wider landscaping and ecological enhancements considered and approved for the wider site, and these measures are considered to comply with the spirit of the Green Infrastructure policies.

6.6 Biodiversity

- 6.6.1 In February 2009, David Clements Ecology Ltd prepared a report entitled 'Mitigation Strategy for Great Crested Newt and Other Protected Species' in connection with the outline planning application (DC/2008/00818) for residential and

commercial/employment use of the Westgate site as a whole. A subsequent application for details of the residential development and infrastructure and landscaping across the site was also approved in 2013. A derogation licence from NRW was obtained in March 2014 to cover the potential harm and/or disturbance to great crested newts and their habitats known to be present within the site. This licence covers the mitigation for the entire site as well as the long term management of the site.

- 6.6.2 This application by McDonalds which details the design of the development in the north-eastern corner of the site has been assessed against the requirements of the existing NRW licence and previous planning consents. David Clements Ecology Ltd have confirmed in writing that the landscaping plan (MK MCD ABG 01-Rev C) submitted with the application conforms to the mitigation strategy as outlined in the original mitigation strategy and plan.
- 6.6.3 The proposed landscaping has been designed to provide a new native hedgerow around the periphery of the site which is connected to a hedgerow around the remainder of the site, as well as the creation of native species rich grassland and areas of scrub. These areas will be separated from the McDonald's building and car park by suitable fencing. The newly created habitats will be managed in the long term in line with the existing Biodiversity Management Plan (DCE 2014) which also accompanies the NRW licence. This is also referred to on the landscaping plan (referred to above), submitted with this application.
- 6.6.4 In light of this, it is considered that subject to the implementation of planting as proposed, no protected species will be harmed as a result of this development and that the necessary duties in relation to the conservation status of protected species have been met.

6.7 Access, Parking and Layout

- 6.7.1 The proposed access to the site has been approved under previous applications. The site itself includes 33 car parking spaces and 6 cycle spaces and meets requirements of the adopted Monmouthshire Parking Guidelines.
- 6.7.2 The new road layout will reduce the speed of traffic leaving the A465 (T) due to a new roundabout approximately half way down the current slip-road. In terms of pedestrian access, the proposed restaurant is located in what can be considered an out of town development and pedestrian footfall is likely to be light considering its location. However, pedestrian accessibility will be improved as a result of the development and the necessary measures are in place for the diversion of footpaths. The development has been designed to accommodate and promote pedestrian movement this has been achieved by the introduction of footways on both sides of the estate roads, internal junction crossing points, the widening and enhancement of an existing public footpath to provide a direct link from the development to Merthyr Road and the introduction of a controlled pedestrian crossing point (puffin crossing) on the re-engineered A465 (T) Heads of Valley off slip road between the existing and proposed new roundabout. Monies to improve pedestrian links between Llanfoist and Abergavenny have been secured via the Section 106 Legal Agreement that accompanied the outline consent DC/2008/00818. It is therefore considered that the

concerns raised regarding non-car accessibility and pedestrian safety both for potential customers and for local residents passing through the area have been addressed.

6.8 Residential Amenity/Litter

6.8.1 There are no residential properties in the immediate vicinity of the application site that would be directly affected by the proposed development. Consideration has been given to amenity impacts on existing properties as well as those under construction/ approved on nearby land. However, the issue of litter creation has been raised by some local residents. Litter is covered under the Environmental Protection Act 1990 and is not a material planning consideration. However, it is worth noting that McDonald's will conduct a minimum of three daily litter patrols where employees pick up not only McDonald's packaging but also any other litter that may have been discarded within the vicinity of the restaurant. Litter bins are provided outside all restaurants and anti-littering signage is also displayed within restaurants and car parks with support being given to Keep Wales Tidy. Littering away from the restaurant unfortunately cannot be controlled by McDonald's as it is the responsibility of the individual to dispose of their litter in a proper manner. However, elsewhere, where 'hot spots' of McDonald's litter have been identified and brought to the attention of the company then McDonald's have agreed to carry out targeted litter-picks in identified areas on a weekly basis.

6.8.2 In terms of odour, the proposed restaurant will utilise an air extraction system which incorporates electrostatic precipitators and labyrinth systems that remove air borne grease and odours and ensure that only purified air is expelled from the restaurant. The distance to the nearest residential property means that there would not be an unacceptable odour or noise problem.

6.8.3 Refuse is proposed to be stored in large containers in an entirely closed area identified as the 'corral' on the plans. It is therefore unlikely that the use would result in an unusual amount of vermin. Other legislation is available to tackle such problems, for example via Environmental Health, and clearly it would be in the company's commercial interests to avoid such a problem arising.

6.8.4 Given the distance between the site and the nearest dwellings as well as the proximity to the Heads of the Valleys' dual carriageway, it is not considered that noise will be an issue that would require mitigation.

6.9 Impact on Health

6.9.1 Paragraph 3.1.4 of PPW states that health can be a material planning consideration in some cases. The nutritional quality of the food on offer at McDonald's has been raised by various local residents and Public Health Wales.

Although relatively close to Llanfoist Primary School, the school's operating policies would not allow primary school children to leave the premises alone during lunch breaks. Visits to the restaurant on the way to or from school or with parent/guardians during lunch breaks are a matter for responsible parenting in ensuring a healthy and balanced diet for both themselves and their children. It should be remembered that

planning permission is being sought for a Use Class A3 outlet. Planning permission could be granted for a salad bar outlet but this could later be converted into a fast food outlet without planning permission. It could be argued that land use planning decisions should be just that, and that it is not the role of the planning system to seek to govern or control the availability of certain types of food or to try and address a short-coming in some people's eating habits, dietary education or levels of exercise. It is not the case that the proposed restaurant serves only unhealthy food, nor would the facility be the only eatery in the area: dietary choice exists. Similarly its construction does not result in the loss of any leisure/recreation facilities and therefore does not result in a direct impact on people's ability to remain healthy and fit. Although designed and located primarily to serve passing vehicular traffic, access via non-car transport is made available and the site is not so remote that such access is unrealistic. On balance therefore, it is considered that the proposed restaurant will not lead directly to increased poor health in the local area.

6.10 Signage

6.11.1 Three further applications have been submitted for signage related to the proposed restaurant. These cover signage on the building itself, various smaller signs around the building and an 8m high illuminated totem sign. The signage is not therefore a matter to be considered under this application and it would not therefore be justified to refuse this application on the basis that the signage is not acceptable. If one or more of the applications for signage are refused by the Council then the applicants will have the right of appeal to Welsh Government. If such an appeal was then dismissed it would be a matter for the applicants whether to commence the development in the absence of their desired signage.

6.11 Response to Llanfoist Fawr Community Council Comments

The additional details referred to by Llanfoist Fawr Community Council such as 3D modelling and an overall site plan that would include details of development granted planning consent on sites outside the applicant's control, but yet to be built, whilst useful, are not required to enable a decision to be made on the application and therefore the Council cannot insist that this information is produced.

The site is allocated in the development plan for B1 and B2 uses (offices and industry) with an additional area already being developed for housing. Beyond this allocation the Council does not have any control over which developers come forward and can only make planning decisions based on what is before them.

The Community Council refers to the application being a departure from the outline consent. As stated previously in this report, this application is a full planning application and should therefore be considered as a standalone application on its own merits. The proposed use is not considered to contradict or prevent the Council's employment aspirations for the site and is considered to complement that offer. That is not to say that further proposals for non-B1 or B2 'commercial' uses will be supported: proposals would have to be considered on their merits but the range of employment-supporting services is considered to be sufficient at this time.

With regards to lighting, illuminated signage is to be considered under three other concurrent applications. Any illumination should however be controlled in terms of brightness and hours of use. Details of lighting of the car park and other areas around the restaurant can be controlled via condition. Although there would be an element of light spill from within the restaurant, the level of harm from this is considered to be minimal given the context of the built-up surroundings and well-lit dual carriageway adjacent.

The proposed design does reflect the McDonald's corporate image, however Officers have successfully negotiated improvements to the proposed finishes to result in a bespoke palette for Abergavenny that would be in keeping with the surroundings and also result in a more subtle appearance than originally proposed. It is worth noting that Torfaen County Borough Council have not raised an objection to the principle of the building at this location and BILWHS Partnership would not wish to object to the principle of developing this site for such a use. The objection from BBNP made particular reference to the totem sign proposed under a separate application rather than the building itself. Cadw acknowledges that the proposal is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of The Blorenge and from the higher slopes it will merge into the urban conglomeration, and as such there will be a negligible impact on the Outstanding Universal Values of the World Heritage Site.

Llanfoist Fawr CC mention in their objection that there is confusion as to whether a full ecological assessment of the site has been completed. To clarify, this application by McDonalds which details the design of the development in the north-eastern corner of the site has been assessed against the requirements of the existing NRW licence and previous planning consents. David Clements Ecology Ltd have confirmed in writing that the landscaping plan (MK MCD ABG 01-Rev C) submitted with the application conforms to the mitigation strategy as outlined in the original mitigation strategy and plan.

There is a suggestion by the Community Council that if people travelling on the A465 (T) are given a 'lazy' out of town alternative then this will reduce the visitors to the town centre (thereby reducing its vitality). Although a valid concern, it is considered that a McDonalds restaurant would compete most strongly with existing fast food facilities offering take-away products. However, even if specific existing fast food take away facilities in the town centre were to experience a significant diminution of trade, it is highly unlikely that the fast food sector as a whole in the town centre would be significantly affected.

The Community Council consider that the pedestrian and cycling infrastructure in Llanfoist and between Llanfoist and Abergavenny is inadequate and unsafe and has long been a topic ignored by Monmouthshire County Council. Improvement of green transport links between Llanfoist and Abergavenny is actually part of justification for Section 106 money secured under the planning consent DC/2008/00818, the payment of which will be triggered by the occupation of the Persimmon homes to the southern end of the site. However, by virtue of its roadside location on allocated employment land, it is considered that the majority of visitors to the restaurant will be travelling by

car already and will stop at this site rather than other McDonalds outlets at Ebbw Vale and Cwmbran/ New Inn.

The Community Council has suggested that a completely new transport assessment should be required. The Welsh Government is responsible for highway safety within the vicinity of the site as the site is accessed from a trunk road. They have no objection on road safety grounds to the proposal and it is therefore considered to be unreasonable to require the developer to provide any additional information.

The 2001 appeal decision considered a McDonalds restaurant near the Hardwick roundabout prior to the dualling of the A465 (T). This aspect has been considered in par. 6.1.31 above.

The proposal in relation to retail policy has been considered above in section 6.1.

6.12 Response to Abergavenny Civic Society Comments

In terms of the balance of drive through to seating element of the proposal as raised by the Civic Society, the developer contends that the number of seats is necessary for economic viability of the facility. The applicant company has advised that all new McDonald's restaurants now include a drive through element except for those proposed in Central London.

With regards to concerns raised regarding lack of information, sections were subsequently provided by the developer and finished floor levels will be required by condition. The fall-back position for the site is for office or industrial buildings which are likely to be larger in scale than the proposed McDonald's.

It is hoped that the amendments made to the external finishes since comments from the Civic Society were received help alleviate some concerns regarding design.

Other issues raised by the Civic Society in relation to road safety have been addressed above in paragraph 6.11.

6.13 A significant number of other comments, both in support of the proposal and in objection, have been reported above. It is considered that the matters raised have been addressed in the report.

6.14 In conclusion, the applicant has justified that there is no sequentially preferable location for a drive-through restaurant. The impact of the proposal on the vitality and viability of Abergavenny Town Centre and other sequentially preferable retail locations is considered to be minimal. Abergavenny is a thriving town and it is not considered that this facility would have a significant detrimental impact on that, nor on the town's reputation as a leading 'foodie' centre. Design improvements mean that the proposal is now considered to be acceptable, taking into account its wider setting and the features of landscape and heritage importance in the locality, as well as the existing and proposed built development on adjacent land. This takes into account the already approved landscaping proposals, as well as those to be implemented by the applicant. The impact on residential amenity is considered to be acceptable. Vehicular and pedestrian access is acceptable as are the proposed parking

arrangements. The restaurant offers a range of food choices, and other outlets are available in the wider area. Responsible adults will be able to make informed choices about their eating, lifestyle and travel habits, and to educate those entrusted to their care to do likewise. The proposal brings welcomed employment opportunities and would not prejudice the Council's aspirations for the wider employment allocation.

7.0 RECOMMENDATION: APPROVE

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No external lighting shall be installed that has not first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their hours of use. The development shall be carried out strictly in accordance with the approved details.
4	Notwithstanding any materials specified in the application, details and samples of materials proposed to be used on all external surfaces of the development shall be submitted to and approved by the local planning authority before any works are commenced. The development shall be carried out in accordance with the approved materials.
5	The premises shall be used for drive through restaurant purposes and for no other purpose (including any other purpose in Classes A1, A2 and A3 of the schedule to the Town and Country Planning (Use Classes) Order 1987) without the prior written approval of the Local Planning Authority.
6	No development shall take place until details of any roof plant or machinery have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
7	No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping as detailed on Plan A- Mitigation Strategy by DCE dated July 2012 approved under outline consent ref DC/2008/00818 or a landscaping scheme otherwise agreed in writing by the Local Planning Authority.
8	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

DC/2014/01001

THE INSTALLATION OF A FREESTANDING 8M HIGH TOTEM SIGN

WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST

RECOMMENDATION: REFUSE

Case Officer: Kate Bingham

Date Registered: 15th September 2014

1.0 APPLICATION DETAILS

This is an application for advertisement consent to display an 8 metre high totem sign in association with a proposed McDonalds drive through restaurant on the former Westgate Farm site on the edge of Llanfoist. The proposed totem sign comprises a timber effect aluminium pole with an internally illuminated 'golden arch' on a khaki (dark green) background at the top (1.44m x 1.25m) together with an internally illuminated 'open 24 hours' sign (1.44m x 0.96m) and an internally illuminated 'drive-thru' sign below (1.44m x 0.63m). The signage is repeated on both sides of the proposed totem.

The site fronts the Heads of the Valleys Road and forms part of a wider 'commercial' development approved under outline consent DC/2008/00818 granted on 14th October 2010. Access to the site is provided via a spine road serving the wider development site secured through Reserved Matters consent DC/2013/00266.

The proposed McDonalds unit will have a floor space of approximately 405 sq. metres and would offer customers the choice of eating within the restaurant or taking away from either the counter or from the drive-through lane. The restaurant itself would have seating for up to 100 diners at any one time. An outdoor area is also proposed which would include furniture for dining outside on a patio. The proposed restaurant could potentially operate 24 hours per day, 7 days a week, in order to maximise passing trade from travellers using the Heads of the Valleys trunk road as well as other customers that wish to use the facility outside normal business hours.

Fascia signs on the proposed building and various signs around it are to be considered under separate applications for express consent to display advertisements and the signage proposed in this application should be considered on its own merits, separately to the application for the restaurant itself.

2.0 RELEVANT PLANNING HISTORY

DC/2008/00818 - A) residential and commercial development (outline) B) Alterations and improvements to the existing highway network, improvements to the drainage network (detailed application) - Approved 14/10/10

DC/2013/00266 - Approval of reserved matters relating to the access arrangements for the entire site, and full details of all reserved matters (layout, scale, external

appearance, access and landscaping) relating to the residential element of the site, as permitted by outline planning permission DC/2008/00818; Approved September 2013

DC/2013/00856 - Erection of 61 bedroom hotel (Class C1) and associated restaurant / public house (Class A3) plus associated access, car parking and landscaping- Approved January 2014

DC/2013/00871 – Costa Coffee restaurant with drive-through facility; Approved August 2015

DC/2014/00998 – Various signs associated with McDonalds restaurant. Recommended for approval (also on this agenda)

DC/2014/00999 – Fascia signs associated with McDonalds restaurant. Recommended for approval (also on this agenda)

DC/2014/01000 – Freestanding restaurant with associated drive-thru lane, car parking and landscaping; installation of 2 No. customer order display and canopy; recommended for approval (also on this agenda)

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S17 – Place Making and Design

Development Management Policies

DES3 – Advertisements

LC2 – Blaenavon Industrial Landscape World Heritage Site

LC3 – Brecon Beacons National Park

4.0 REPRESENTATIONS

4.1 Consultation Responses

Torfaen County Borough – No objections to the basic design of this proposal.

Given the size of the car park, the application lacks a comprehensive lighting scheme. The lighting requires careful consideration and perhaps moderation, especially given its potential impact on the BILWHS.

It is considered that the illuminated signs should be considered within the overall lighting plan described above.

Brecon Beacons National Park Authority – Objects to the proposed development on grounds that the proposed restaurant and associated advertisement proposals would have a detrimental landscape and visual impact on both views into and out of the National Park to the detriment of its special qualities.

The Environment Act (1995)

Section 63 of the Environment Act (1995) sets out the statutory purposes of the National Park as follows:-

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

Policy Context

Planning Policy Wales 7th edition 2014 (PPW) acknowledges the statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. In particular, PPW states that National Parks "*must be afforded the highest status of protection from inappropriate developments*" (paragraph 5.3.6) and that issues are not confined by administrative boundaries and that the duty to have regard to National Park purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area (paragraph 5.3.7).

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- Peace and tranquillity - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.
- Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- Sense of place and cultural identity - "Welshness"
- Sense of discovery
- Sweeping grandeur and outstanding natural beauty
- Contrasting patterns, colours, and textures
- Diversity of wildlife and richness of semi-natural habitats
- Rugged, remote and challenging landscapes.
- Enjoyable and accessible countryside
- Intimate sense of community

The development plan for the area is the Brecon Beacons National Park Authority Local Development Plan 2007-2022 (LDP). Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designation there are instances where strict application of the boundary in making decisions is not appropriate. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LDPs to have regard to the National Park purposes in making planning decisions which may impact on the National Park. The Authority will use LDP policy SP1 in commenting on proposals that impact on the National Park. Policy SP1 sets out the following:-

Development in the National Park will be required to comply with the purposes and statutory duty set out in legislation, and will be permitted where it:

- a) Conserves and enhances the natural beauty, wildlife and cultural heritage of the Park; and/or*
- b) Provides for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those special qualities; and*
- c) Fulfils the two purposes above and assists the economic and social well-being of local communities.*

Similarly Policy LC3 of the Monmouthshire Local Development Plan states that development in the vicinity of the Brecon Beacons National Park should only be permitted where it would:

- a) preserve or enhance the landscape setting, as defined through the LANDMAP process;*
- b) have no serious adverse effect on significant views into and out of the National Park*

and that “*development that would cause unacceptable harm to the qualities that justify the designation of the Brecon Beacons National Park or its setting will not be permitted*”.

Policy LC2 of the Monmouthshire Local Development Plan places similar requirements on developments that affect the setting of a World Heritage Site.

Proposal

The application site is located in an elevated position, and at its nearest, is approximately 1km east of the Brecon Beacons National Park boundary which at this point follows the Brecon and Monmouthshire Canal before turning north towards the southern boundary of Neville Hall Hospital. The Blaenavon World Heritage Site also partly shares the National Park’s boundary at this location. It is understood from the application documentation that the proposal involves the erection of a freestanding restaurant and associated advertisements, including an internally illuminated totem pole, on a site area of 0.3ha.

The information provided as part of the application is generally poor and limited detail has been provided in terms of the landscape and visual impact that this development would have despite its elevated position adjacent to the A465 and in close proximity to the Brecon Beacons National Park, and Blaenavon World Heritage Site. It is acknowledged that this proposal is located within a wider area that is designated within the Monmouthshire Local Development Plan for employment purposes even though it has benefit of outline planning permission for residential and commercial uses. However, significant concerns are raised in relation to the landscape and visual impact of this development on the National Park based on the information submitted at present.

The Landscape and Character Assessment for the Brecon Beacons National Park (2012) seeks to identify specific landscape characteristics of the National Park and particularly seeks to inform means in which these landscape characteristics should be protected and/or enhanced. The application site is generally at its nearest to the Bloreng Hill and Slopes Landscape Character Area where the impact of surrounding

settlements outside of the National Park is acknowledged and the need to reduce the visual impact of development on the National Park is highlighted.

Whilst it is understood that the proposal will result in the removal of existing unsightly buildings, concerns are raised in relation to the proposed restaurant in terms of its elevated siting, landscaping treatment, external lighting and the erection of a 12m illuminated totem pole. In particular, it is considered that the proposal would interrupt views into and out of the National Park and would introduce a highly visible vertical feature, in the form of the 12m illuminated totem pole, that would break the existing skyline and would also introduce a feature that would be highly visible at night to the detriment of the overall character of this area and the setting of the National Park and the area of the Blaenavon World Heritage site situated within. The proposal would, by reason of its elevated position, 24 hour illumination and what appears to be a lack of landscaping, in the Authority's opinion, create an intrusive feature in the skyline interrupting views of the National Park to the detriment of its special qualities.

Whilst the submission of additional information may allay some of the above concerns, at present based upon the information submitted, the Authority **objects** to the proposal as it would result in the introduction of an intrusive form of development in an elevated position, illuminated for a 24 hour period, with limited landscaping that would interrupt views into and out of the National Park to the detriment of its special qualities.

Notwithstanding the above, if the Council is minded to approve the proposals, it is respectfully requested that the following conditions are imposed and that the National Park Authority are consulted when the relevant detail is submitted in pursuance of the conditions:

No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of both hard and soft landscaping, with a particular emphasis on the provision of landscaping that would assimilate the development within its wider setting having regard to its proximity to various public vantage points and the Brecon Beacons National Park Authority. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until a plan indicating the proposed ground levels and finished floor levels is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Llanfoist Community Council – recommends refusal.

Following extensive consultation with the local community, LFCC wish to make the following representations to Monmouthshire County Council Planning Committee.

General Observations:

The application itself is of surprisingly poor quality in terms of accessibility of information and visualisation of impact in the surrounding area. Significant work has been done by members of the community to interpret the plans and enable people to get a sense of what they would mean for the area. We would argue that Monmouthshire County Council have failed in its duty to ensure that proper consultation takes place by allowing the applicant to submit plans which have such startling inadequacies - no 3D modelling , no context in relation to other proposed buildings on site, no overall site plan - in fact plans which are in essence incomplete.

Monmouthshire County Council Planning Committee will no doubt be aware of the intense public debate which this application has sparked and therefore the need for members of the public to access clear concise and accurate information. Llanfoist Fawr Community Council are aware of some support for the application based on the perception of job creation and a space for young people to gather in the absence of other facilities in the area. We would re-iterate the request made in 2013 when the Premier Inn application was made for land adjacent to proposed McDonald's site for there to be proper engagement with the communities of Llanfoist and Abergavenny to design an area which meets the needs of these communities for both housing, recreational and employment purposes and does not simply encourage a one size fits all model which will destroy the very distinctive landscape and its historical, cultural ecological and geographical heritage.

The application appears to be in contradiction to many of Monmouthshire County Council's stated policies set out in the recently published Local Development Plan - these are referred to throughout our objection.

Areas of Concern:

We have headed our objections under the themes of Visual Impact, Impact on Environment, Traffic and Transport, Sequential Test, and Health and Safety of Children. There are clearly areas of overlap within all of these and we would urge the Planning Committee to examine these carefully against their own policy statements.

Visual Impact:

This is the site for McDonalds seen from the top of Bloreng Mountain in the Blaenavon World Heritage Site. Clearly visible



The application includes no assessment of the specific impact of a highly visible – and lit – 24 hour drive through fast food outlet. In 2010 consent was given to application (DC/2008/00818) – titled somewhat misleadingly as Full - Improvements to Highways and Drainage Networks and Outline – Residential Development .The outline consent application makes very broad reference to commercial development and employment use. It is only in the Addendum to the Transport Assessment that references to specific types of development are made and these are only as a basis for calculating traffic data. The traffic projections have been based on the following: - builders' merchant, 70 Bedroom Hotel with restaurant and leisure facilities 65 private dwellings Fast Food Outlet Business Park (27 units).

We re iterate that the application for a 24 hour drive through facility is a very significant and material departure from the outline planning permission granted in 2010 and the hybrid planning approval DC/2014/00818.

The issue of the impact of lighting has not been considered in relation to the coveted Dark Skies status awarded to the Brecon Beacons National Park - an issue which requires consideration for the entire site not just this application – and is relevant to policies on Visitor Economy which are crucial also considerations at the gateway to a market town which thrives on the promotion of its food credentials.

Thus we believe the application to be in direct conflict with policy LC2 which clearly states that development in the vicinity of the Blaenavon World Heritage Site will only be permitted where it would:

- a) preserve or enhance the landscape setting; and
- b) have no serious adverse effect on significant views into and out of the World Heritage site.

The location is highly sensitive given its position in the Usk Valley opposite Abergavenny and adjacent to Llanfoist, with its proximity to the World Heritage site and National Park. This unique valley set between the Sugarloaf, Blorence, Skirrid and Deri and approaching from the Midlands this is the real first place you sense you have arrived at the mountain-scape of Wales. We consider the application to have failed in relation to Policy S13 (Landscape, Green Infrastructure and the Natural Environment) which states that a development must

- (ii) protect areas subject to international and national landscape designations*
- (iii) preserve local distinctiveness, sense of place and setting*

We conclude that the design and material language of the building and its associated signage is totally unsuitable for such a sensitive location.

Impact on Environment:

There is considerable confusion as to whether a full ecological impact assessment has been completed for this significantly different application to that approved at outline level. The current application does not meet basic statutory requirements in relation to ecological information (the Biodiversity and Ecology officer has stated that ‘This application is not valid as there is no ecological information’).

The application has failed to demonstrate that it would not cause unacceptable harm to the communities of Llanfoist and Abergavenny in respect of light pollution, noise pollution and litter both in the immediate and wider environs. These are key factors in Policy S13:4 which clearly states that an application should seek to integrate landscape elements, green infrastructure, biodiversity features and ecological connectivity features, to create multifunctional, interconnected spaces that offer opportunities for recreation and healthy activities such as walking and cycling.

Those travelling along the A465 who require food / drink/toilets would naturally head into Abergavenny which is a thriving town with much higher letting rates and footfall than other comparable market towns (Towns Alive 2014 Report). The proposal for a drive through McDonald’s and other associated food outlets would therefore appear to the casual visitor as the first – and last! – thing on offer in the area, making people suspect that the town itself is not worth visiting. Cafes and restaurants are surveyed as one of the primary reasons visitors visit Abergavenny. There is an argument that this is a product of there currently being no out of town alternatives, unlike other comparable towns which are now (proven by similar studies), ghost towns. Logic says that if people are given a ‘lazy’ out of town alternative, this can only reduce the visitors to the town centre thereby reducing its vitality. This is in direct contravention of Policy S6 Retail hierarchy ‘Proposals which undermine the retail hierarchy will not be permitted’.

Traffic/Transport Impact:

An application for a Drive through facility is of its very nature car-oriented requiring a significant number of passing vehicles to make it viable (20,000 per day on McDonalds' own assessment). We contest that this is therefore an inappropriate development for an - albeit a roadside site – but one which is surrounded by existing housing and in the middle of a village location.

The pedestrian and cycling infrastructure in Llanfoist and between Llanfoist and Abergavenny is inadequate and unsafe and has long been a topic ignored by Monmouthshire County Council planners – in the building of Llanfoist school (lack of safe school routes) and in the recent residential developments. These proposals based on a drive through by their very nature encouraging car use will have an unacceptable impact on pedestrian and cycle safety. Young people in particular will be attempting to access this site on foot across a major slip road with numerous roundabouts and a minimum of 20,000 vehicular movements a day.

We consider the application to be in contravention of policy S16 ... *'all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by: Reducing the need to travel, especially by car; Promoting public transport, walking and cycling; Improving road safety;'*

The transport assessment in the application relies on base data from the hybrid planning permission DC/2014/2008 which is completely misleading as there have been very significant developments in Llanfoist since then. The assessment acknowledges that McDonald's would result in an increase on the previously assumed traffic levels (i.e. from a fast food outlet rather than a 24 hour drive through). Due to the significant road safety issues in this area, a completely new current transport assessment is required.

Sequential Test

The sequential test is inconsistent: it doesn't properly consider a town centre appropriate alternative. It is clear that a 'drive though' is not going to work in a town centre location and therefore a sequential test to prove this is wasting everyone's time. If however there is a 'need' for a McDonald's in the area (which we would dispute) there are some town centre outlet opportunities that could have been considered e.g. the former Richards store.

The application has shown no demonstrable need for a drive through in the location proposed at Llanfoist particularly as the Raglan Services now has planning consent with a range of fast food options – that is unless this application is part of a wider as yet undeclared interest in creating a Llanfoist Services Area? The proposal undermines the vitality of Abergavenny town and that of the new Raglan services.

Health and Safety of Children:

The proposals will create major health and safety issues for the young people of Abergavenny and Llanfoist. A number of objections have been submitted by Health professionals outlining the health issues associated with fast food and especially in a location so close to Llanfoist primary school and on routes to the secondary school

(King Henry) and those further afield accessed via the bus drop off a pick up points in Llanfoist.

The proposed restaurant is in a location primarily design for the convenience of users of the A465 as acknowledged in the applicant's submission. However a fast food restaurant also appeals to a relatively low age demographic group, most of whom cannot drive. The existing pedestrian/cycle route from Abergavenny to Llanfoist is not safe with major hazards at Llanfoist Bridge and the A465 roundabout. There is also a major danger of children from East Abergavenny making their way down and across the A465 to access the restaurant which will be a much shorter route for them.

These objections formed the basis of the McDonald's appeal refusal in 2001 and are as relevant now as they were then.

Summary:

We urge the Planning Committee to reject this application and not allow it to follow on the same misguided path as the application for Premier Inn and Brewers Fayre – these were submitted as very detailed design considerations from a very broad outline consent which had assumed low visibility screened buildings.

In rejecting this application the planning committee will be giving the people of Llanfoist and Abergavenny the opportunity to work with Monmouthshire County Council planners on a more innovative and thoughtful development which showcases the beauty and vitality of the area and celebrates its difference not conformity to a national model.

Cadw – Negligible impact on any registered historic landscape or on the Outstanding Universal Values of the World Heritage Site.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological

remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic* proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

This advice is given in response to a planning application for the construction of freestanding restaurant with associated drive through lane, car parking and landscaping. The proposed development is located in the vicinity of the scheduled ancient monument known as;
MM010 Abergavenny Bridge
MM056 Abergavenny Castle
MM193 Abergavenny Roman Fort

The proposed sign will be located some 800m to the south of both designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort and will be in view, although at an angle, from them on the slope of the hill on the opposite side of the Usk Valley. Although this is a tall structure the sign boards attached to it are relatively small and given their distance from the monuments it will not be very noticeable during daylight hours. However, the sign will be illuminated at night and therefore more noticeable. However, the design of the signs with the logos cut out from the sign and then back lit will reduce the visibility although it will be seen at a higher level than the surrounding structures. Therefore at night this proposed totem sign will have a low adverse impact the setting of the designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort at night.

The intervening topography and buildings probably blocks views to the proposed development from MM010 Abergavenny Bridge, but if not, the impact on the setting of the bridge will be the same as the impact on the settings of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort.

This proposal also lies within 1km of the historic parks and gardens known as PGW (Gt) 9 Abergavenny Castle, PGW (Gt) 37 New Cemetery, Abergavenny and PGW (Gt) 59 Linda Vista Gardens, Abergavenny, which are included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

It is unlikely that the proposed development will be visible from PGW (Gt) 37 New Cemetery, Abergavenny.

The proposed sign will be located some 800m to the south of the registered park and gardens at Abergavenny Castle and Linda Vista Gardens and it is likely that it will be visible in views from them. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either registered site. The application area is located some 900m to the east of the boundary of the registered historic landscape, HLW (GT) 1 Blaenavon, which at this point includes the slopes of Blorenge It is part of a much larger development including a hotel and housing and it is noted that the taller pylons will also be in view

from the World Heritage Site, therefore in daylight the sign will not be very noticeable. However, the sign will be illuminated at night and therefore more noticeable. It is noted that the design of the signs with the logos cut out from the sign and then back lit will reduce the visibility although it will be seen at a higher level than the surrounding structures. Therefore at night this proposed totem sign will have a low adverse impact on the registered landscape, although it should be noted that there will be very few viewpoints within the World Heritage Site which are accessible at night and from which the totem sign will be visible.

The proposed sign will be located some 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of Bloreng. It is part of a much larger development including a hotel and housing and it is noted that the taller pylons will also be in view from the World Heritage Site, therefore in daylight the sign will not be very noticeable. However, the sign will be illuminated at night and therefore more noticeable. It is noted that the design of the signs with the logos cut out from the sign and then back lit will reduce the visibility although it will be seen at a higher level than the surrounding structures. Therefore at night this proposed totem sign will have a low adverse impact on the Outstanding Universal Values of the World Heritage Site, although it should be noted that there will be very few viewpoints within the World Heritage Site which are accessible at night and from which the totem sign will be visible.

It is noted that in their responses to this application and the associated ones both Torfaen County Borough Council and Brecon Beacons National Park have recommended that a condition, requiring an external lighting plan to be submitted prior to the development commencing in order to limit the impact of the development on the World Heritage Site, should be attached to any planning consent that is granted to this application and we support this recommendation.

MCC Green Infrastructure (GI) Team - On the basis of the information submitted, object to the current proposal.

Elevation of the site and the visual impact of a standardised MacDonald's unit and accompanying illuminated sign upon the surrounding landscape leading to a detrimental impact upon;

- Proximity to National Park, views into and out of
- Proximity to BILWHS views into and out of

As statutory designations;

- Proximity and visual impact upon and from key receptors including; local footpaths, Iron Mountain Trail, National Trails, cycle routes, A465 (primary route for Heads of the Valleys and gateway to BBNP) historic assets, tourism and leisure facilities, historic Market town of Abergavenny (key landmark features), local dwellings.

In addition the proposal has not provided the following;

- No LVIA has been provided to consider the impacts
- No viewpoints or photomontages to justify proposal

- Mitigation is inappropriate (i.e. shrub planting is insufficient both in height and density – native woodland planting would be required for screening purposes).
- GI has not been considered or integrated into the scheme.

Welsh Government Transport Division – no objections to this proposed development which forms part of the revised proposals submitted in 2009 forming part of DC/2008/00818.

4.2 Neighbour Notification

Total of 18 representations received, 14 specific to this application for the totem sign only.

Object for the following reasons;

- This signage is completely inappropriate for this key gateway site. MCC and WG policy promotes local distinctiveness. This proposal is contrary to this.
- The proposal to light this signage 24 hours a day goes against of the Brecon Beacons Dark Skies area.
- These signs will compete with the key cultural and historic icons of Abergavenny such as the view of the castle and market hall from this section of the A465.
- These signs will distract from the key Wales Gateway views of the Bloreng, Sugar Loaf, Deri and Skirrid.
- For visitors, the first thing they will see as they approach Abergavenny is signage for a global corporation selling dubious quality food. This is not ideal for a town that promotes local food culture, the food festival, and a county that Visit Wales promotes as a food destination
- Light pollution
- Highly prominent position
- Drive-through architecture demands visual cacophony of road signs, road markings, railings and external lighting
- Tree planting on northern edge of site as required previously not mentioned in this application.
- Concentrated, illuminated and branded development will be an eyesore to the detriment of the tourist industry.
- The elevated position of the proposed development means that all signage is likely to be visible from a great distance. All signs are therefore against the aim to "Conserve and enhance the unique landscape and natural beauty" stated in the local development plan, and while some signs need to be allowed, a concentrated, illuminated and branded development will be a huge eyesore to the detriment to the tourism industry that is so important to Abergavenny and the surrounding area.
- The applicant elects to submit three separate planning applications for different forms of signage, separate from the main building submission. Why?
- Signage should have its light output restricted and the totem height limited appreciably so it does not obstruct the view from the A465 and town towards the slopes of The Bloreng.

- If minded to approve a sign then it should be constructed from wrought iron to represent the industry that is celebrated in the World Heritage Site.
- This would be the most prominent landmark in the area on an elevated site.
- The symbol would be seen from far and wide and hang over the village of Llanfoist and local primary school.
- Totally unnecessary and out of keeping.
- No other advertising of this kind anywhere in the area.
- Totem sign will damage the image of Abergavenny and discourage visitors from entering the town.
- Violent and aggressive intrusion into historic landscape.
- Sign more suited to Los Angeles!
- Will detract from the rural setting of the location contrary to Policy DES3.
- Totem sign would be much higher than any tree planting even when matured.
- Sign will harm the residential amenity of those on the edge of the former Coopers Filters housing development site.
- Perhaps limiting the size of the sign would go a long way to convincing people of the need for another takeaway in Abergavenny

4.3 Other Representations

Abergavenny and District Civic Society – we believe that these applications, as submitted, should be refused. Community opposition should give the County Council the confidence to adopt a ‘take it or leave it’ stance, especially on design and signage issues.

While some of our members may have made personal representations or sympathise with objections made by others to this application, the Society aims to make a response that takes account of the planning history and the scope of planning control (as opposed to public health and other controls) and is consistent with the views expressed at the time of the Whitbread company applications on the Westgate site.

As was the case with these earlier applications, we regret a planning history that appears to make these trunk road services and the road layout incontestable in principle. But for this history of commitment and the extreme improbability of revoking previous decisions and paying compensation, the Society would probably object to this use on this site. If others find a sustainable reason to challenge these commitments we might well support their case. At this time we confine our attention mainly to the design of the proposal, minimising its visual impact and relevant weaknesses in the documents accompanying the application. We note that the Design and Access Statement has misleading content that should not be relied upon when assessing the proposals.

One part of the planning history may be particularly relevant: the 2001 refusal on appeal of an application by McDonalds for a site nearby on the A465. The inspector concluded, in the context of policy at the time, that the proposal did not help to sustain the town centre – as distinct from not detracting from the centre.

We have considered the applicants’ sequential test information. They base their case on the proposal being for a ‘drive-through’ restaurant mainly to serve trunk road

users. Yet only a proportion of their customers will use the 'drive-through' element; most will sit in the restaurant and many of these will be local. We believe that a closer examination of their likely patronage is likely to suggest at least that only a smaller restaurant satisfies the sequential test. The majority of their custom would be better served in accordance with policy by a 'walk-in' site in or on the edge of the town centre. Whether or not there is such an opportunity, and whether we would support it, is not our present concern.

Otherwise our main concern is that the elevation and prominence of the proposed building will be unacceptable. The applicants have provided no proposed sections through the site and adjacent land, or drawings showing the relationship of their development to approved or pending buildings to the west, or in the wider landscape setting. They do describe their building as 'elevated above the Heads of the Valleys Road'. This would not square well with the 'respect for views' requirement of LDP Policy DES1. The applicants must be required to provide more information on these matters, and we would wish to comment further.

Furthermore, the orientation of the building, which has a footprint approaching that of the Premier Inn, conflicts with the grain of its surroundings by not being parallel with the A465 and its slip road.

The prominence in a remarkable landscape setting, even if reduced, means that the appearance of the restaurant is a critical consideration. We object to the submitted proposals. To meet the requirements of Policy DES1 this location requires a building that contributes to a sense of place and respects the local characteristics of this edge of the countryside at a gateway to an historic town, a World Heritage Site and a National Park. The proposed standard corporate image based on a 'natural and neutral' pallet of contemporary materials does not satisfy the needs of this site. The variety of materials and colours, some in substantial blocks and alien in the local context, together with an excessive amount of signage on the building, is inappropriate here. A simpler and less obtrusive building, perhaps more traditional, making use of Pennant sandstone, slate and possibly suitably coloured brick and stained timber should be required. A modest amount of signage on the building would adequately advertise its use. Again, we would wish to comment on any revised proposals for the building.

The Design and Access Statement refers to a 'contemporary twist' in the landscaping and admits that it may not be reflective of the surroundings. The submitted plans appear to show little more than hard surface treatments and grass, where some locally native shrubs and trees could soften the transition between the building and the countryside. As elsewhere on the Westgate site, we would like to see grassland of native plants managed for wildlife and aesthetic benefits.

With regard to Policy DES3, the proposed amount of free-standing signs and advertisements is excessive. Apart from clear signage on the building, there is no need for anything but warning and directional signs for customers. Illumination should be the minimum necessary to promote the business and for safety purposes, and we oppose 24 hour opening in this exposed urban fringe position.

We note that the applicants promise 65 full or part time jobs (probably mostly the latter). Even if much of their custom is captured and new to the area, some will be at the expense of local traders and jobs. Decision-makers should not be unduly swayed by these figures.

We question the suitability of the complex planned road and pedestrian access arrangements. The traffic generation of three refreshment facilities seems likely to exceed the volumes envisaged when the layout was approved and a fresh safety audit is essential (LDP Policy MV1).

McDonalds are particularly likely to attract young cyclists and pedestrians from Abergavenny. The deficiencies of the highway system for these users are already very evident, particularly when crossing the Usk and the A465 junction. This situation would be aggravated if this part of A4136 became a trunk road. At the very least, if approval for McDonalds and Costa is granted, substantial s106 planning obligation (or CIL) funds should be secured for improvements that enhance pedestrian and cyclist approaches to this commercial area, including the Usk crossing (LDP Policy MV2).

Further comments received following amendments to materials - We agree that the revised materials represent a cosmetic improvement to an otherwise unaltered building, though we ask that the sandstone is not stark red but a more mottled grey, purple and red to be consistent with the Pennant stone generally used locally (and hopefully elsewhere on the Westgate site).

However, the more fundamental concerns and objections stated in our letter of 17 October 2014 remain, despite a number of revisions posted on line since then. The discussion at Planning Committee when the Costa proposal was approved has led us to take the view that the prominent impact of that building and McDonalds, if approved, can only be lessened, over time, by extensive native woodland planting on the steeper slopes visible from the A465. Customers would be adequately attracted by glimpses of the buildings and a modest amount of signage, preferably coordinated and not including a backlit 8m totem sign at the top of the slope.

Abergavenny Transition Town – Objects. The erection of a large McDonalds advert, visible from the A465, will unacceptably detract from the rural setting of the locality and fails LDP Policy DES3.

SEWBREC Search Results – Various species of bats recorded foraging/commuting and Great Crested Newts within the vicinity of the site.

Wales & West Utilities – Wales & West Utilities apparatus may be directly affected by these proposals. Note to applicant.

4.4 Local Member Representations

Local Member Cllr Hickman – This application is contentious and there seem to be campaigns on both sides now with a fairly even split of for's and against on the online comments. I have always said that I will try and represent the views of the majority of residents of my ward. I will attend the planning meeting and speak on the day, I think

with a level head. No doubt that something will eventually be built here, whatever it will be must be right, in keeping with the surroundings, and with design conditions put on whoever the builder is. No large 40 foot high advertising poles etc. I will of course continue to listen and monitor the situation.

5.0 EVALUATION

5.1 Principle of Development

Local Development Plan Policy DES3 deals specifically with advertisements;

Proposals for advertisements will only be permitted where:

- a) having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) if located within the open countryside they would not unacceptably detract from the rural setting of the locality;
- c) if located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) if located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

The use of the building as a drive through restaurant will clearly require some signage and is acceptable in principle and the proposed totem sign would be viewed within the context of the wider area that includes the council waste transfer station, a hotel and pub development and land allocated for industrial use as well as the A465 dual carriageway which is lit by street lighting. However, unlike the other signage proposed which is generally no greater than 3 metres high or mounted on the single storey building, the proposed totem sign would, by design, be visible from a much wider area which includes the Brecon Beacons National Park (BBNP) and the Blaenavon Industrial Landscape World Heritage Site (BILWHS). The proposed sign should also therefore be considered under LDP policies LC2 and LC3 that refer to these areas.

5.2 Visual Impact

With regards to criterion (a) of Policy DES3, there is currently no signage in the area except for at the entrance to Westgate Yard which is some distance to the west of the application site although there is an extant consent for a Premier Inn, Brewers Fayre and Costa Coffee unit on the adjacent site which will inevitably have some associated signage (although no applications for advertisement consent have been submitted to date). Any applications for signage on the adjacent site would have to be considered on their own merits having regard to the McDonalds site, should consent be granted.

Criterion (b) of Policy DES3 requires that advertisements do not detract from the rural setting when located in the open countryside. Given that this site is allocated for

office and industrial use in the LDP, it is not considered that this criterion applies. However, it is considered that due to the visibility of the proposed totem, it will detract from the wider area which is open countryside which is designated for its special qualities. Policy LC3 relating to development within the vicinity of the BBNP states that *'development that would cause unacceptable harm to the qualities that justify the designation of the Brecon Beacons National Park or its setting will not be permitted'* and it is noted that in their objection, the National Park Authority have referred specifically to the proposed totem on the basis that it would introduce an intrusive vertical feature in the skyline that will interrupt views into and out of the National Park to the detriment of the overall character of the area as well as the BILWHS which is afforded protection under Policy LC2. Monmouthshire planning officers agree with this assessment and consider that the proposed totem would cause unacceptable harm to the qualities that justify the designation of both the BBNP and the BILWHS.

Criterion (c) of Policy DES3 refers to advertisements in conservation areas only. This site is not in a conservation area.

Criterion (d) of Policy DES3 requires that in the open countryside illumination is only appropriate to uses that reasonably expect trade at night. Although as described above the application site is not in open countryside, the restaurant clearly expects to trade at night. Other signs within applications DC/2014/00998 and 00999, some of which would be illuminated, would reasonably provide potential customers with the information they need to find and use the restaurant without the need for the more intrusive totem sign that would cause harm to the wider landscape.

The planting required under the earlier Section 106 Agreement and that to be implemented by McDonalds will help to screen the proposed building and soften the impact over time but given the proposed location of the totem within the elevated site and the fact that by its very nature the sign is designed to be visible outside the site to a wide area, it is not considered that landscaping would mitigate the adverse visual impact in this case.

It should also be noted that Cadw have indicated that the totem sign would have a low adverse impact on surrounding historical assets whereas the building and other signage were considered to have a negligible impact.

5.3 Residential Amenity

The totem has been sited to afford maximum visibility from the A465 (T) in order to attract passing trade. As a result it will also be prominent when viewed from the Barratts development beyond. However, given that the site is separated from the application site by the A465 (T) and two slip roads, all of which would be well-lit during the evenings and night time, it is not considered that the illumination of the totem would be likely to cause a nuisance to occupiers at night. The closest of the new Persimmon homes currently being constructed to the south on the site will be some 140 metres from the site and the totem is proposed on the north-western edge of the site so the illumination is unlikely to cause a nuisance to any of these properties.

5.4 Biodiversity

The site is not recorded as a foraging area or commuting route for bats that are the only species recorded within the vicinity of the site that are sensitive to light.

6.0 **RECOMMENDATION: REFUSE**

Reason(s) for Refusal:

1. The proposed illuminated totem sign would, by reason of its elevated position and 24 hour illumination, create an intrusive vertical feature interrupting views into and out of the Brecon Beacons National Park to the detriment of the overall character of this area and the setting of the Blaenavon World Heritage site, contrary to Policies DES3, LC2 and LC3 of the adopted Monmouthshire Local Development Plan.

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DC/2014/01468

**RESIDENTIAL DEVELOPMENT TO PROVIDE 209 DWELLINGS,
RECONFIGURED ACCESS, PUBLIC OPEN SPACE AND OTHER ANCILLARY
WORKS**

SUDBROOK PAPERMILL SUDBROOK

RECOMMENDATION: REFUSE

Case Officer: Kate Young

Date Registered: 28/04/15

1.0 APPLICATION DETAILS

- 1.1 This full application, seeks the erection of 209 market houses (10, 2 bed houses, 110, 3 bed houses and 89, 4 bed houses). The houses would be a mix of detached, semi-detached and terraced properties. The site area extends to 10.7 hectares but only 7.1 hectares would be developed. The land to be developed roughly equates to the land previously developed as the former St Regis Papermill and is allocated in the adopted Local Development Plan (LDP) as a strategic housing site. The levels of the site would be re-profiled to protect the developed part of the site from flooding. The development would utilise the existing access from Sudbrook Road with altered priority. The layout would follow a looped roadway within the site with several cul-de-sacs leading off this. A Local Area of Play (LAP) would be provided within the housing development with potentially a Local Equipped Area of Play (LEAP) on the public open space to the south. In addition there would be substantial public amenity space and planting at the entrance of the site and along the boundaries. There would be an area of public open space in the north east corner of the site from which there would be a pedestrian link into the existing settlement. The existing ephemeral pond would be retained near to the estuary in the south-east corner.
- 1.2 To the north of the site is the existing settlement of Sudbrook containing approximately 150 dwellings and to the south, beyond the Wales Coastal Footpath, is the Bristol Channel and the Second Severn Crossing. Immediately to the east of the site, is an Iron Age fort which has been designated as a Scheduled Ancient Monument (SAM). To the west of the site is a coniferous plantation within the applicant's ownership. The Severn Estuary has been designated as a Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR site and Site of Special Scientific Interest (SSSI).
- 1.3 An Environmental Statement was submitted with the application due to the site's proximity to the Severn Estuary. The Statement covers landscape and visual impact, biodiversity, transport and access. The other reports which accompanied the application are:
 - Flood Consequences Assessment
 - Transport Assessment
 - A Report on Ground Conditions
 - Archaeological Assessment
 - Noise Impact Assessment

- Design and Access Statement
- Information relating to the Viability of the site.

1.4 The applicants have lodged an appeal against non-determination of this application and the matter is now being considered by the Planning Inspectorate. Therefore this application is being presented to Members of Planning Committee for their formal resolution of the Council's position for the appeal, rather than to determine the application. It is expected that this proposal will be considered by a Planning Inspector at a Public Inquiry in spring 2016 and then referred to the Minister of Planning and Regeneration for the final decision.

2.0 RELEVANT PLANNING HISTORY

A534	Outline application for 30 dwellings	Refused 14/04/76
M/5964	Chemical storage facility for paper making	Approved 18/07/01
M/6782	Electrical switch room	Approved 15/07/02
M/9721	Training building	Approved 31/03/04
DC/2006/01587	Provision of hard standing	Approved 05/09/06
DC/2012/00307	Outline application for residential development for 340 dwellings	Refused, Dismissed on appeal 08/05/14
DC/2013/00487	Erection of Bat Building	Approved 18/12/14

Relevant History on Adjoining Sites

DC/2006/01678	Residential development of 42 dwellings Land off Sudbrook Road	Appeal Allowed 2/6/09
DC/2011/00607	Redevelopment of Old Shipyard Site for 42 dwellings	Approved subject to the signing of a 106 agreement.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 - Spatial Distribution of New Housing Provision
- S2 - Housing Provision
- S3- Strategic Housing Sites
- S4 - Affordable Housing Provision
- S5 - Community and Recreation Facilities
- S7 - Infrastructure Provision
- S12 - Efficient Resource Use and Flood Risk
- S13 - Landscape, Green Infrastructure and Natural Environment

S14 - Waste
S16 - Transport
S17 - Place Making and Design

Development Management Policies

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

CRF2 – Outdoor Recreation/Public Open Space and Allotment standards and provision

SD2 – Sustainable Construction and Energy Efficiency

LC5- Protection and Enhancement of Landscape Character

G11 – Green Infrastructure

NE1 – Nature Conservation and Development

EP1 – Amenity and Environmental Protection

MV1 Proposed development and Highway Considerations

MV2 – Sustainable Transport Access

MV3- Public Rights of Way

MV4- Cycleways

DES1 – General Design Considerations

Site Allocations

SAH7 – Sudbrook Papermill

4.0 REPRESENTATIONS

4.1 Portskewett Community Council – Refuse

There is a need for social housing in the area and none has been included in the application. A Roundabout would be more desirable to ease the flow of traffic into Sudbrook. Will the lane at the side of Camp Row leading to the playground be kept open?

4.2 Caldicot Town Council – Refuse

Infrastructure is not suitable, there are access issues and the development would have a negative impact on services e.g. schools, doctors and food store.

4.3 Planning Policy Team

- 4.3.1 The site is allocated in the adopted LDP under Policies S3 and SAH7 as a strategic housing site for 190 dwellings on 6.6 hectares. There are, therefore, no objections in principle to the proposal. It is noted that in the application the area to be developed for housing has been increased to 7.1 hectares and the number of houses has been increased to 209 dwellings. Policy SAH7 refers to the site allocation as being for ‘around’ 190 dwellings. It is also noted that the Minister’s appeal decision discussed the interpretation of ‘around’ and considered that this could be taken as plus or minus 10%, in keeping with the flexibility allowance utilised in the LDP housing target. This view is agreed with and I can confirm that there are no policy objections to the increase in numbers from the allocated 190 dwellings to 209 dwellings. There are also no objections in principle to the slightly enlarged site area. It is noted that this helps to rationalise the site boundary to enable a more satisfactory layout to be provided and the extended area falls within the Development Boundary for Sudbrook, which the LDP Inspector agreed should be retained rather than drawn tightly to the boundary of

- the site allocation. This extended site area lies within C1 flood plain and it would be necessary to demonstrate satisfactorily compliance with TAN15 and LDP Policy SD3.
- 4.3.2 The applicant's Planning Statement generally covers the LDP policies relevant to this development. Some additional points are:
Policy S3 requires that any detailed application shall include a feasibility assessment for suitable renewable energy and low or zero carbon technologies that could be incorporated into the development proposals. This does not appear to have been carried out.
Policy CRF2 includes a requirement for provision for allotments at the standard of 0.25 hectares of allotment space per 1,000 population. It would seem, therefore, that around 0.14 hectares of allotment area would be required to comply with this requirement.
- 4.3.3 Of more significance, Policy S4 of the LDP states that "In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable." The application currently makes no provision for affordable housing. This is considered to be a sufficient reason for refusal unless compelling evidence can be provided to demonstrate that provision of affordable housing will make the site unviable and prevent it coming forward for development. In this respect, Policy S4 does allow for negotiation on the percentage affordable housing requirement to take account of viability issues, although it is understood that the Council's viability consultant considers that the development can meet the percentage requirement while also achieving the Council's S106 requirements.
- 4.3.4 On this latter point, LDP Policy S7 states that affordable housing provision should be given priority in S106 negotiation except for those infrastructure requirements necessary to bring the site forward. This should be borne in mind in any negotiations on S106/Affordable Housing. The application site contains a substantial amount of open space. If it is considered reasonable for the Council to adopt this amount of open space then there should be scope for trade-offs between finance for on-site provision and the normal requirement for contributions per dwelling for off-site adult recreation provision and maybe opportunities for the joint use of open space to meet any GI requirements in addition to the £34,200 already provided for the bat mitigation (e.g. links to the coastal walk, utilising the SAM and other large areas of open space for recreation, allotments, biodiversity etc.).
- 4.3.5 With regard to proposed Travel contributions, this would be a matter for Highways to consider how justified they are. It is an unsustainable location, likely to encourage car use, and this was a major objection to the scheme for 340 dwellings. The travel package put forward at the public inquiry into the refusal of the previous planning application was an attempt to overcome this objection. It is now a smaller scale of development, although there are still sustainability issues that need to be addressed within the context of a wider need to prioritise affordable housing provision.

4.4 MCC Housing & Communities

- 4.4.1 Support the above planning application provided it delivers the policy compliant requirement for affordable housing. There is a high need for affordable housing in all

areas of the county and the Chepstow/Caldicot Housing Market Area (HMA), of which Portskewett Community Council area is a part, is no exception. There are currently 492 households on the Council's Housing Register wishing to live in the Portskewett Community Council area. 433 are under 60 years of age and 59 are 60+. Many households register for more than one area and there are a further 252 households wishing to live in Caldicot, which is in the HMA. The table below demonstrates that the majority of those households have very low earnings and therefore cannot hope to satisfy their housing need on the open market.

Earnings	Number of Households
Under £10,000	67
£10,000 - £15,000	66
£15,500 - £10,000	26
£20,500 - £24,000	25
£25,000 - £30,000	6
£30,000+	2
Retired	34
Not employed (medical reasons)	13
Unemployed	33

4.4.2 The remainder of the 492 households left the earnings section blank on their application forms.

4.4.3 Should the site go ahead the mix of affordable units we would require would be:

No. of Units	Unit Type	Size (m2)
12	2p1b flats (Walk up)	49 - 51
24	4p2b houses	79 - 83
10	5p3b houses	90 - 94
2	6p4b houses	106 - 110
4	3p2b bungalows	55 - 58

4.5 Cadw – The proposed development is located in the vicinity of three SAM's

- Harold's House (MM029)
- Sudbrook Camp and Chapel (MM048)
- St Mary's Churchyard Cross (MM315)
-

4.5.1 Development on the site would have no impact on the setting of the Cross or Harold's House. With regards to Sudbrook Camp and Chapel the developers have proposed that a buffer zone should be provided to the North West of the Monument to protect its setting so that the development will not have a significant on the setting of Scheduled Monument (MM048). The applicants own the designated monument and there is a need to secure the long term future of this site in regards to its maintenance,

interpretation and public access. This can be secured by means of a planning obligation.

- 4.6 MCC Education - The catchment school for this development would be Archbishop Rowan Williams they currently only have 22 spare places within the school, therefore there would not be the capacity to take the anticipated number of pupils that could be generated from the development, the next nearest schools are also full within the area. There is also another development proposed in Portskewett which is within the same catchment area and will put additional pressure on the school.
- 4.7 Glamorgan Gwent Archaeological Trust (GGAT) – A revised desk based assessment was submitted with this application which concluded that there is potential to encounter archaeological remains of prehistoric to modern date within the application area and that archaeological features could be revealed during the construction work. Recommend a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource should be attached to any consent.
- 4.8 Natural Resources Wales (NRW) - No objection to the application as submitted providing
- i) Appropriately worded conditions in respect of flood risk and land potentially affected by contamination are included in any planning permission granted; and
 - ii) A section 106 agreement is obtained to secure the long-term management and maintenance of the bat house.
- N.B. NRW's detailed observations in relation to bats and EPS licencing, groundwater and potential land contamination, flood risk and pollution prevention advice are available in full to read on the Council's web site for this planning application.
- 4.9 MCC Highways
- 4.9.1 The site was subject to an earlier application DC/2012/00307 for the development of 340 residential properties, following a detailed review we offered no objections to the proposed development on traffic capacity / impact grounds and subject to specific and significant mitigation measures in respect of the means of access, improvements to sustainable transport by way of providing pedestrian and cycling improvements/ linkages and improvement / enhancement of public transport provision. The aforementioned was subject to detailed scrutiny and agreement by way of a statement of common ground and draft unilateral undertakings prepared and agreed during the subsequent planning appeal and Inspector's decision. Therefore Highways offer the following comments with particular reference to that previously agreed and the following documents and drawings;
- DC/2013/00307 – Draft Unilateral Undertakings.
 - DC/2013/00307 - Statement of Common Ground
 - Transport Assessment December 2014
 - Drawing No.1492-02 Planning Layout
 - Drawing No. PL-03 Engineering Layout Adoptable Roads
 - Surface Materials Plan
 - Drawing No. SP01 – Swept Path Analysis for Refuse vehicle

Existing Highway Network – Impact

- 4.9.2 With reference to the previous application for the development of 340 dwellings and having reviewed the current application and the supporting documentation (Transport Assessment, Dated December 2014) for the development of up to 209 dwellings I offer no objections to the current proposal for 209 houses on highway capacity grounds.

Means of Access

- 4.9.3 The proposed means of access is agreed and the re-engineering of Sudbrook Road is welcomed. The proposal reflects the increased vehicle demand and movements to and from the proposed development over and above the movements to the village of Sudbrook, therefore giving priority to the greater traffic movements. The re-engineered junction creates an environment that reduces entry speeds into Sudbrook village whilst improving traffic flow and reducing vehicle conflicts. These works will be required to be carried out pursuant to a Section 278 Agreement Highways Act 1980 and the junction re-engineering will be required to be constructed and operational prior to the occupation of the 1st Dwelling. The Developer will be required to enter into the S278 Agreement Highways Act 1980 prior to the commencement of the development.

Link Footpaths

- 4.9.4 Although the use of the existing coastal path is likely to be seasonal due to the footpaths surface, location and lack of natural surveillance the links from the development to it are. The developer should consider the linking of the development to the coastal path at a number of points along the site boundary to provide direct and more commodious points of connection to and from the development.

Sustainable Transport

- 4.9.5 The current application appears to make no reference to the improvements to the public transport required as a consequence of the development. The earlier application, statement of common ground and the draft unilateral agreement clearly indicated the provision of a financial contribution to provide a bus service and enhancement of the existing bus services operating in Sudbrook. The development is located in what is considered to be an unsustainable location and alternative modes of transport should be encouraged and promoted irrespective of the reduced number of dwellings now on the site. It is recommended that the previously agreed bus service contribution is retained to ensure that the bus services are provided for residents and to improve the frequency of existing bus services. It is recommended that the Council's Transport Planning & Policy Officer be consulted for further advice and comment on the application and public transport contributions.

Travel Plan

- 4.9.6 The current application has provided a travel plan it is recommended that the Council's Transport Planning & Policy Officer be consulted for further advice and comment.

Estate Road layout

- 4.9.7 With reference to the drawings submitted in support of the application, the layout is considered a traditional layout adopting in broad terms current residential estate road design. The provision of a loop assists in promoting permeability and connectivity and provides for the future introduction of a bus service. The layout in particular the introduction of raised junction plateaus, individual raised promenades and shared surface cul-de-sacs creates an environment that promotes and encourages vehicle speeds of 20mph or less.

Car Parking

- 4.9.8 The applicant in there Transport Assessment, December 2014, Section 4.30 has indicated that the car parking is in accordance with the CSS Wales Parking Standards (2008). It should be noted that in 2012 Monmouthshire County Council adopted their own Parking Standards as Supplementary Planning Guidance and no longer rely upon the CSS parking Standards (2008). The applicant in Section 4.31 of the Transport Assessment dated December 2014 indicates 2 on plot parking spaces for 188 dwellings and 2 off plot parking spaces for the remaining 21 dwellings, Total 418 parking spaces as referenced in the Planning Application, Section 11 Vehicle Parking. However in accordance with the Council adopted SPG the development requires the following:

10 no. 2 bed dwellings @ 1 space per / bedroom	= 20 parking spaces
110 no. 3 bed dwellings @ 1 space per / bedroom	= 330 parking spaces
89 no. 4+ bed dwellings @ 1 space per / bedroom (max. 3)	= 267 parking spaces
Total	= 617 parking spaces

- 4.9.9 It would appear however that the applicant has not fully appreciated that garages (detached) are a parking space and should be included in the overall parking spaces per dwelling. It is recommended that the applicant provides a detailed schedule and layout indicating the number of eligible parking provision per dwelling taking into account the Council's adopted Supplementary Planning Guidance for Parking Standards 2012 & Domestic Garages 2012 for consideration and approval prior to any planning permission being granted.

Emergency Access

- 4.9.10 The provision of an emergency secondary vehicular access in the event that the primary access to the development is unavailable during an emergency is welcomed. The status, adoption and means of controlling the use of the emergency access will require further detailed design, discussion and agreement between the developer and the highway authority.

Surface Water

- 4.9.11 With reference to the Flood Consequence Assessment Rev: F dated 2/2/14 and in particular section 4.0 Outline Drainage Assessment, Outline Surface Water Assessment, the proposed means of managing the impact of the development is deemed acceptable in principle by way of;
- Discharging to the 5 mile 4 chain outfall

- Surface water storage/attenuating on site up to the 1 in 100 year + 30% storm event
- All sewer/pipe outfalls to be flapped.

However, it is recommended that suitably worded condition(s) are imposed to safeguarding the surface water management;

That a scheme for the disposal and management of surface water is submitted to and approved in writing by the Planning Authority. That a scheme for the adoption, management and maintenance of the proposed scheme of surface water management be submitted and approved by the Local Planning Authority.

However as the site lies within the boundaries of the Caldicot and Wentlooge Internal Drainage Board it is recommended that Natural Resource Wales who now oversee and administer the board are contacted to specifically comment on the proposed means of managing surface water.

- 4.10 Welsh Water - Outlines conditions relating to surface water. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharge from the site.
- 4.11 MCC Biodiversity – Objects to the application based on the level of information that has been made available in relation to protected species considerations, SINC and overall post development site management.

4.11.1 **Protected Species**

Initial objection made by MCC Biodiversity is withdrawn on the basis of information submitted in July 2015, detailing the reptile mitigation strategy which addresses concerns.

4.11.2 **Bats**

According to the information provided, no updated bat survey has been undertaken at the site (with the exception of the paper mill building) since 2010. It is considered that this should have been updated to inform the scheme and to ensure that we have sufficient ecological information. This concern relates to both the buildings with bat roost potential (which will be demolished) and trees (the fate of which are unknown). Again, with reference to TAN 5; The presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

- 4.11.3 It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the ‘Three Tests’ for EPS.

- 4.11.4 **Bat House** - The permission for the bat house has no planning conditions to secure maintenance, management and monitoring of the building or the core habitat around it. It is essential that this is secured as part of this development. The monitoring, management and maintenance including the core habitat shall be for a minimum of 25 years.

4.11.5 LDP policy NE1 - SINC

Part of the application site was identified as being of County Importance during the LDP process and it has been recognised as a Key Ecological Receptor in the EIA. An area will be lost at the south east of the site due to housing however, it is not considered to be the most valuable part of the site and the ecological connection will be maintained. There is concern over the avoidance, mitigation and compensation proposals for the SINC. The ES states (Vol. II – Main Text, Table 6-6 Sudbrook Paper Mill SINC) that 3.6ha of green space will be created to compensate for the scrub habitat loss. It only indicates what habitat types this ‘may’ include. It has not been identified on plan (the whole ‘ecology area’ measures approx. 1.9ha). This mitigation also refers to creation of habitat between the development and the wales coast path but this already exists (i.e. the SINC which includes this land). We have very little information about retained habitats at the site and no information relating to the long term management aims of the SINC or indeed any of the other non-housing land within the application site. It is therefore difficult to assess whether the application has taken full account of the requirements of policy NE1. I would expect to see more information in this regard before a positive decision could be made on the application.

4.11.6 Invasive non-native species

Himalayan balsam has been recorded at the site and this Invasive Non-native species (INNS) will need to be considered during the construction phase and during the long term site management. A strategy for this will need to be provided and a planning condition should be used to secure this.

4.11.7 Protected Sites

A Habitats Regulations Assessment is currently being prepared for this scheme. Conclusions are anticipated to relate to the previous scheme when no adverse effects on the SPA, SAC or Ramsar site were expected.

MCC Environmental Health

I have previously reviewed several contaminated land reports for the site, submitted for previous applications, the most recent of which was ‘Phase II Site Investigation, Detailed Quantitative Risk Assessment’ (Wardell Armstrong, February 2012, Report No. RPT-001).

This report details desk studies and intrusive site investigation programmes undertaken between 2001 and 2007 and Warden Armstrong’s own intrusive site investigation between November 2011 and February 2012.

The report presents the findings of the chemical testing of soil samples, ground water monitoring and ground gas monitoring. The results were compared to Generic Assessment Criteria and use a generic quantitative risk assessment for an end land use of residential with home grown produce to assess the risk to human health.

The investigation has identified the presence of contamination that could give risk to harm to human health (arsenic, lead, total petroleum hydrocarbons, polycyclic aromatic hydrocarbons and asbestos), as well as concentrations of methane and carbon dioxide therefore remediation and validation will be required if this site were to be used for a residential development.

I would therefore recommend that you require the developer to undertake a site investigation/risk assessment procedure in accordance with CLR11 “Model Procedures for the Management of Land Contamination” I would also recommend that you make the applicant aware of the guidance document from the South East Wales Land Contamination

Working Group “The Development of Potentially Contaminated Land” which is available from Monmouthshire County Council’s Website.

I also attach the guidance document ‘Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems’ which should be followed when importing material.

Should the Planning Authority considered it appropriate to grant planning approval prior to a contaminated land site investigation I would recommend that the following conditions (EH01 and EH03) be attached to ensure that the site is fully investigated and remediated to ensure the protection of public health.

MCC Public Rights of Way – Without prejudice to unrecorded rights of which the council is unaware and maybe proven to exist under the Wildlife and Countryside Act, Section 53

The applicant’s attention should be drawn to Footpath No. 13 in the community of Portskewett which runs along the southern edge of the proposed development site and carries the nationally important Wales Coast Path.

There is no recorded public path running along the eastern site of the development area between the proposed new houses and the scheduled ancient monument as shown on the site layout plan. The Wales Coast Path follows instead Footpath No. 13 along the coast before looping to the end of Camp Road. The informal links detailed in the Design and Access Statement 5.6 providing east-west pedestrian/cycle permeability to the site although welcome do not therefore connect to a path with any recorded public rights. The only three remaining links out of the site are the main vehicular access, the emergency access onto Camp Road and the link at the southern end of the site onto Footpath No 13, the Wales Coast Path. Countryside Access would like this shortfall addressed and to see these informal links and path made up to at least restrictive standards, secured for the public and maintained.

Because of the proximity of Caldicot, consistent with the Wales Active Travel Bill, Countryside Access would like more be done to encourage pedestrian and cycle access to the town which is within walking distance and very comfortably within cycling distance for most people. Cycling along Footpath 13, is currently permitted adjacent to the site by agreement but Public Rights of Way would like to see this formalised with a Cycle Track Order as it is already well used as such.

Additionally because of the coast’s attraction and peoples’ preference for circular walking routes Countryside Access would also like to see at least one other access point formed onto the Wales Coast Path at the western end of the development south of the proposed LEAP. Not only would this be consistent with National and Monmouthshire County Council policy on improving access to the coast but it would also serve to provide better links to Caldicot also compliant with the requirements of the Wales Active Travel Bill.

Countryside Access are also concerned about the lack of community feel and incentive to walk/cycle generated by the lack of permeability through the site. Countryside Access see scope for this to be significantly improved. The current site layout requires some residents sharing a common boundary to travel a distance of nearly 400m to their neighbours’ front doors.

Countryside Access also see scope to maximise the site's connectivity potential by forming links to the disused rail line running along the northern edge of the site should this become available in the future.

All cycle/pedestrian links should be made up to suitable standard and given a formal status by either being adopted as Highway or dedicated as Public Footpaths and/or upgraded by Cycle Track Order as appropriate. Alternatively they should be secured for the public and maintained under agreement by some other mechanism.

The Wales Coastal Path must be kept open and free for use by the public at all times, alternatively, a legal closure must be obtained and an alternative path put in place prior to any development affecting the path taking place.

MCC Recreation -

The following contributions would normally be sought:

Off Site Recreation Contribution £654,588 (209 units x £3,132)

On site LAP provision Capital cost of circa £36,000 to provide one LAP plus a commuted sum for future maintenance (£30,904)

Off Site LEAP contribution £184,338 (209 units x £882)

It is understood that there are potential viability negotiations associated with the development. The following items are considered to be essential:

The on-site LAP plus a commuted sum is essential. The off-site play contribution could be reduced to £50,000. The offsite recreation contribution could be negotiated. There is also the proposal for the developer to upgrade a section of the Wales Coastal Path immediately adjacent to the site to be factored in to any financial considerations.

MCC Green Infrastructure

The GI response has sought to flag up some of the key opportunities which as a team we consider are available to the development to embrace. It is noted that supporting ES documents and the DAS have provided information in relation to GI as originally requested, however it is considered that the assets and opportunities have not been fully realised Landscape Strategy Drwg 878.01.

The site has many positives/opportunities:

- There are significant GI assets in this location including the SINC, the Wales Coastal Path, the Severn Estuary, SAM, football field and the wider landholdings of the Harrow Estates. Access to these GI assets should be strengthened in ways which will connect the community of Sudbrook.
- The location and its assets offer the opportunity for educational opportunities – through interpretation and interpretive design and management.
- The location offers great opportunities for a strong and defined new settlement utilising the views and vistas to offer a strong sense of place.
- There is acknowledgement in the ES of the need for habitat creation to contribute to local targets.
- Ecological appraisals have been undertaken and the SINC is recognised as a Key Receptor in the ES.
- The Landscape Strategy indicates an area which incorporates an area of the existing ephemeral pond labelled 'area of ecological interest' – this offers opportunities which have not been picked up.

- Potential damage on designated/sensitive sites and mitigation has been considered - though not fully embraced in an integrated scheme.
- Wales Coast path runs along the southern boundary of the site offering opportunities to create improved links to the coast consistent with Welsh Government and MCC Policy. The site presents opportunities to provide good circular routes taking in the coast, the ancient monument and other local points of interest.
- The proximity of Caldicot makes walking and cycling to its services and employment a real possibility and the site presents a good opportunity to encourage this.

GI Concerns (Comments are made with reference to the GI SPG design checklist)

The site doesn't reflect the character and context of Sudbrook in either – layout, design or setting. In particular there is a distinct lack of sense of place with little connection to either the settlement of Sudbrook or its natural environment for example;

- This is illustrated by the proposed house types and the confusion of materials, which have little relevance to Sudbrook and even the names attributed to the designs.
- There is little reflection of Sudbrook's existing form, scale, sitting, massing and materials i.e. the traditional red brick terracing – the proposed scheme has very limited terraced areas much of the scheme is a mixture of detached and semi-detached dwellings.
- The whole scheme has its back turned away from the settlement of Sudbrook. The allocation is large compared to the existing settlement. This is emphasised by poor design and layout unreflective of the character of the existing settlement. Limited effort has been made to seek engagement through green spaces or green corridors that either the occupants of the development or surrounding community can benefit from.
- The public open space is too small. There is a distinct lack of interconnected green spaces which could connect with the public open space and informal play provision throughout the site. This approach would also have benefits for biodiversity and visually help define views as well as provide a series of green connections to the larger open space.
- To help integrate the scheme tree avenues were discussed to form part of the GI / landscape infrastructure – this again has not been integrated.
- Structural planting should not fall within private ownership – in the reliance upon trees to provide the avenue within private ownership is not appropriate.
- The proposal to let a large proportion of the site naturally colonise is not acceptable for a housing scheme of this scale. A scheme which combines an element of this habitat with more accessible habitats including created species rich grassland and tree planting would be more acceptable.
- No detail of Landscaping to illustrate that native species of local provenance shall be included in planting and what the aims of the management shall be.
- No natural play has been included in accordance with the GI SPG.
- No robust management/maintenance or conservation plans have been included (this is also relevant in relation to the bat mitigation). As part of the GI provision a GI Management Plan will also be required.
- No detail of habitat connectivity and management of the bat house and core surrounding habitat. It is acknowledged that there is reference to a hedgerow link but the long-term management and maintenance of this is unknown.
- Screen planting should be more significant and more dispersed throughout the whole site to help break up the density of development overlooked by the houses along

Sudbrook road and also to the south of the site to limit residual effects on the Severn estuary. Structure planting along all boundaries is insufficient to offset the impacts and defined parameters should be provided.

- ES states (Vol. II – Main Text, Table 6-6 Sudbrook Paper Mill SINC) that 3.6ha of green space will be created to compensate for the scrub habitat loss. This has not been identified on plan (whole ‘ecology area’ measures approx. 1.9ha). This mitigation also refers to creation of habitat between the development and the wales coast path but this already exists (i.e. the SINC includes this land).
- A blanket TPO was placed on the on the whole site, the effect of which was not only to preserve any trees that may have had value in respect of the Green Infrastructure provision but also to ensure that trees, which an ecological survey suggested were important to Bats, were fully considered – there are been little evidence of this having been integrated into the scheme.
- The Tree survey submitted is dated 23rd February 2007 and was subsequently submitted with application No. DC/2012/00307 by Harrow Estates PLC in May 2012. Given that eight years have now passed since the Tree Survey was authored it is considered that it is now out of date and should at least be updated to reflect the current position at the site, this would also help to inform the GI mitigation for the site.
- The current application DC/2014/01468 contains a Landscape Strategy (Plan 878.01.A) which, whilst it gives indications of locations of tree and shrub planting it is lacking in detail as to species and sizes of trees/shrubs at the planting stage – contrary to the Planning Inspectors appeal report for DC/2012/00307 on this site.
- The Planning Layout drawing and Landscape Strategy drawing do not clearly show which of the existing trees are to remain and which are to be removed. This is particularly applicable to the existing trees and shrubs adjacent to the railway track at the northern boundary of the site where the retention of trees to form a buffer between the development and the existing settlement is desirable. This lack of detail should be addressed by the submission of a new Tree Survey in accordance with BS5837 and must contain the following information:
 - a. A Tree Retention/Removal Plan for the whole site.
 - b. Scaled plan of retained trees and their root protection areas (RPAs) shown on the proposed layout.
 - c. An arboricultural impact assessment.
 - d. An Arboricultural Method Statement where construction activity within the RPA of any retained tree is unavoidable.
 - e. Strategic hard and soft landscape design, including species and location of new tree and shrub planting.
- There should be more connected informal open space and play throughout the site which could be part of a series of interconnected green corridors which is required for the landscape mitigation. There is no detail associated with the formal play (LEAP area) and it relies entirely on one focused primary access, offers no informal overlooking for security and is isolated and unconnected. There is no connection with the existing formal play area off site and no rationalisation of these features.
- Lack of pedestrian/cycle permeability through the site not conducive to encouraging walking and cycling – green corridors should seek to incorporate these opportunities.
- Lack of connection points onto the Wales Coast Path. At the moment the path at the east boundary of the site carries no public rights. Additional links onto the Wales

Coast Path at the western end of the site would both create pleasant circular walks and form better connection with Caldicot.

- Lack of provision to hook into the disused rail line should this become available in the future as a potential access route.
- There is limited connection from the development to the green space – all access is channelled through one point past the LEAP.
- Lack of connectivity between the new development and the existing settlement.

On the basis of the above issues it is considered that the proposal has not satisfactorily addressed Policy S13 or development management policies GI 1, NE1, LC5 and DES1.

Gwent Police – Only reviewed the application in relation to traffic management implications. A second access may be made at a later date and this may have some conflict with the current parking arrangements.

An additional 2000 traffic movements over the traffic controlled bridge may cause considerable congestion and possible shunt collisions due to the topography of the approach roads. Consideration must be given to this access road especially if further development is to be considered.

The site will need to have speed reduction measures in place as there may be many cyclist and pedestrian movements. Engineering measures should be considered for the site roads that would restrict vehicular speeds to 20 mph and the road network treated as a shared space for all highway users.

Network Rail – Holding Objection

The opening up of the All Wales Coastal Path for recreational purposes could increase the numbers of people using the Caldicot and Mathern Level Crossings. Suggests that the developers meet directly with Network Rail to try to resolve this matter.

Gwent Wild Life Trust – No objection to the proposed footprint of the housing but have major concerns regarding the open space to the west.

The plans are very vague for the open space on the western part of the site. A development of this nature and size should offer long term security to the SINC and provide an adequate area of suitably managed publicly owned open space. Contrary to policy S13 of the LDP. The area of open space within which is a designated SINC should be passed into public ownership. And a significant sum should be provided as part of a 106 agreement to fund the ongoing management and appropriate monitoring. The landscaping plans provided are not detailed enough to inform our opinion. A more thorough ecological management plan is needed to ensure appropriate management takes place. We support the planting of wildflower seed mix along the overtopping bank. We recommend that the seeds should be British native and preferably of local origin. The River Severn SAC, SPA and Ramsar is located to the south of the development area and is protected under international legislation. It is essential that the runoff and waste are managed correctly during construction and post construction to ensure that no effluent reaches the mudflats or enters any water course. We agree with the comments made by NRW with regards to the bat house. The bat survey is now out of date and we recommend that the buildings are surveyed for roosting bats prior to any works taking place. A precautionary approach will also need to be taken. Should any bats be found work on site must stop. We note that reptile translocation took place in 2012 due to the presence of scrub on site, we recommend that as a precautionary approach is taken when clearing any vegetation and that individuals be translocated off site.

4.2 Neighbour Notification

One letter of support on the basis that progressing this development will clear up an eyesore on the Severn and will also clarify the traffic impact that needs to be addressed by other proposed developments in Severnside.

5.0 EVALUATION

1. Strategic principle of development
2. Changes in Policy since the appeal was dismissed in May 2014
3. Affordable Housing
4. Development on Brownfield Sites
5. Impact on the Existing Settlement
6. Access and Highway Safety
7. Layout and Parking Provision
8. Sustainability & Public Transport
9. Flooding
10. Contamination of the Site
11. Layout and Design
12. Recreational Provision
13. Biodiversity
14. Green Infrastructure and Landscaping
15. Footpaths and Cycle Ways
16. Impact on Local Services
17. Impact on Local Residents
18. Archaeology
19. Sewage and Water Supply

5.1 Strategic Principle of Development

The site is located within the Sudbrook Village Development Boundary and is one of the Severnside Settlements that policy S1 of the LDP has identified as suitable for new housing development. Policy S3 identifies new strategic housing sites within the County and included this site which is identified as SAH7 “6.6 hectares at the Former Paper Mill are allocated for Residential Development for around 190 new dwellings”. Policy S3 of the LDP requires that on the specifically identified strategic site the development proposal will need to comply with the site specific criteria set out in appendix 1 and also the following requirements:

- a) Any detailed application for development shall be preceded by, and consistent with, a master plan for the whole site that has been approved by the council
- b) Any detailed application for development shall include a feasibility assessment for suitable renewable energy and low or zero carbon technologies that could be incorporated into the development proposals.

The principle of new residential development on this site is now established through the LDP process. The area of land identified under policy SAH7 is slightly smaller than that of the development area of the proposed scheme. The Council has no objections in principle to the slightly enlarged site area. It is noted that this helps to rationalise the site boundary to enable a more satisfactory layout to be provided and the extended area falls within the settlement boundary for Sudbrook, which the LDP Inspector agreed should be retained rather than drawn tightly to the boundary of the site allocation. This extended site area lies within zone

C1 flood plain and it would be necessary to demonstrate satisfactorily compliance with TAN15 and LDP Policy SD3.

5.2 Changes in Policy since the appeal was dismissed in May 2014

An outline application was submitted in 2012 for up to 340 houses on the whole of the Paper Mill site. That application was considered against the policies of the UDP and was subsequently refused by the Council and dismissed on appeal. The reasons for refusal were:

1. The proposal is contrary to the overall Housing Strategy for Monmouthshire set out in the adopted Unitary Development Plan (UDP), which directs large scale housing developments to locations that are within or on the edge of main urban areas in order to deliver sustainable development which exploits or improves existing infrastructure and services and is well served by public transport. The proposed development would result in large scale housing development being located in an unsustainable location, remote from any services which would lead to an over dependence on car journeys.
2. The application is contrary to the objectives of Policy H3 of the Monmouthshire UDP and its supporting paragraph 4.6.3, as it seeks large scale housing development in a small village which has few facilities and services. This would result in an excessive level of commuting.
3. A development of this scale would have an adverse impact on the historical form and character of the village of Sudbrook and is therefore contrary to Policy H3 of the UDP and its supporting paragraph.
4. Having regard to paragraph 2.6.3 of Planning Policy Wales (Edition 4, February 2011), it is considered that it would be inappropriate to make a decision on the future development of this site outside of the development plan process. Given the scale of the proposed residential development, to grant planning permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the Local Development Plan context and would have significant implications for the strategy of the emerging Monmouthshire Local Development Plan, the next stage of which is Submission to the Welsh Government for Examination.
5. The proposed development would introduce highly vulnerable development in an area liable to flooding that does not meet the criteria of Policy ENV9 of the Monmouthshire Unitary Development Plan and is not justified by Section 6 of Planning Policy Wales Technical Advice Note 15 - Development and Flood Risk. The proposal is contrary to Policy ENV9 of the UDP and TAN 15 - Development and Flood Risk.

A Public Inquiry was then held to consider the proposal, in June 2013 at that time the Inspector considered the appeal against the UDP Policies. Before the decision was issued by the Welsh Minister for Housing and Regeneration, the LDP was formally adopted. The Welsh Minister reviewed the Inspector's Report and concluded that the appeal should be dismissed on two grounds.

1. The scale of the proposal would be unacceptable and inappropriate given the existing size of Sudbrook

2. No justification for building highly vulnerable development on an area liable to flooding

It can be seen that the proposed development is significantly smaller than that of the proposed development that was dismissed at appeal and that there has been a significant change in material considerations, with the adoption of the LDP and this site being included as an allocated strategic housing site. In addition, the reduced scale of development means that the vast majority of houses would be constructed outside of the C1 Flood Zone identified by the TAN15 maps. Those few within Zone C1 are considered to meet the tests set out in Section 6 of TAN15. The reasons which lead to the refusal of the previous outline application and its subsequent dismissal at appeal are now fully resolved and are no longer reasons for refusal.

5.3 Affordable Housing

Policy S4 of the LDP states that “In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable.”

A significant issue for Monmouthshire is the fact that house prices are high in relation to earnings so that there is a pressing need for additional affordable housing in the County. It has been calculated, using the Local Housing Market Assessment, that 960 new affordable homes will be required in the County during the Plan period. This equates to 96 affordable units per year. The latest Local Housing Market Assessment undertaken in April this year shows a need for 150 affordable units per year. The LDP Affordable Housing Viability Study suggests that a 35% target is achievable throughout much of the County, the exceptions are the M4 corridor settlements of Magor/Undy, Caerwent, Caldicot/Portskewett, Rogiet and Sudbrook where land values are lower and 25% is a more feasible target. The LDP policy requirement for this site is therefore 25% affordable housing.

LDP policies make provision for the consideration of viability with the potential to agree a lower level of affordable housing. However, this should be done in the context of the objective to create sustainable, balanced communities.

The current full application makes no provision for affordable housing on the site, i.e. 0% affordable housing. The applicants maintain that the site would not be viable if any affordable housing were to be provided. As part of the submission the applicant has provided details of the projected development costs. These costs have been analysed by an independent valuer on behalf of the Council. The conclusion of this viability assessment is that, the development is viable if 25% of the housing being provided on the site is affordable. If 25% of the housing on the site was allocated as affordable housing and there was an agreed level of 106 contribution from the development, the scheme would still be able to provide the developer and the landowner with competitive returns. The Council maintain that unless it can be demonstrated by the applicant, that the site would not be viable with 25% affordable housing, then 25% of the housing should be provided in accordance with Policy H4 of the LDP and unless this is done the Council is unable to support the application. Council officers have been in detailed discussions with the applicants over the viability of the site and are convinced that the site can be developed, with affordable housing and still return a profit. The lack of any affordable housing on the site is contrary to the provisions of Policy S4 of the LDP and a compelling reason for refusing this application.

Unfortunately on-going negotiations on this topic came to an end because the applicant decided to lodge an appeal against non-determination. However, the applicant has lodged another application for exactly the same scheme, allowing negotiations to continue under that

application. To clarify, for the application now before Committee, an appeal against non-determination has been lodged, negotiations have had to stop, and the scheme before the Council features 0% affordable housing. This is considered to be an unacceptable form of development, failing to provide a balanced, cohesive and sustainable community and failing to meet the housing needs of our communities.

5.4 Development on Brownfield Sites

National Policy Guidance supports the principle of new development on brownfield sites and the Council as a Planning Authority subscribes to this view. The redevelopment of brownfield sites reduces the need for development on greenfield sites on the edge of settlements. It is recognised that there are additional costs to developers, however, including the costs of clearance, remediation and asbestos removal. These additional costs have been included in the development costs submitted by the applicant and run through the Tree Dragons Tool Kit to establish viability. These additional costs are not so great as to preclude the provision of affordable housing and still provide the applicants with a profit. These additional costs are not so great such to justify ignoring a major policy objective of the Council to provide affordable housing.

5.5 Impact on the Existing Settlement

Sudbrook is a small village of approximately 150 dwellings. It contains a hairdressers (in the premises vacated by the post office) and a social club. All other facilities would have to be accessed in other settlements such as Caldicot, Chepstow or Newport. As part of this application an enhanced bus service is being proposed which would be secured via a S106 agreement. It has been identified that there is insufficient capacity in the existing schools, but this will be addressed in detail elsewhere in this report. Sudbrook has a very distinctive character derived from the fact that that it was almost exclusively constructed to house the workers building the Severn Railway Tunnel. The proposed development would more than double the size of Sudbrook and would provide a housing development quite separate from the existing settlement. However, it must be remembered that this site has been allocated in the LDP for 190 dwellings +/- 10%, so the proposed 209 dwellings would be in accordance with the LDP allocation.

The comments made by the Green Infrastructure Team regarding the site layout and its relationship with the existing settlement are noted. However, many of the points are not agreed with. The site is physically separated from the existing settlement by a linear former railway line which is not within the applicant's ownership. Much of this belt contains mature landscaping (trees) and another section contains a community garden. It would not be feasible to design a scheme to front onto the existing road into Sudbrook due to the intervening land ownership and the desire to retain the existing trees and landscaping. These competing objectives cannot be reconciled and it is considered that the proposed layout is acceptable in planning terms. The distances between the proposed dwellings and the existing homes, together with the intervening landscaping, mean that there would not be any unacceptable privacy or amenity impacts. There would be a pedestrian link between the two settlements near Post Office Row, and the proposed LAP is located alongside this making it accessible to both the existing properties and the proposed homes.

5.6 Access and Highway Safety

The Environmental Statement submitted with the application contains a Traffic and Transport section in which it is evidenced that there is sufficient capacity within the highway network to accommodate the increase in traffic resulting from an additional 209 dwellings. Until 2006 this was the site of a functioning paper mill with a high volume of commercial traffic especially HGVs bringing timber into the site and the finished material from the site, using Sudbrook Road and the traffic light controlled bridge.

When considering the previous application for 340 dwellings in 2012 (DC/2012/00307), the Council did not put forward any objections on highway grounds when refusing the application and similarly when dismissing the appeal the Minister and Inspector did not put forward any highway grounds for the dismissal. Given that there were no highway grounds for refusing the application for 340 dwellings in 2012 or dismissing the appeal in 2014 and that there has been no change in circumstance since then, there can be no objections to the current proposal on grounds of the capacity of the local highway network or the safety at the road junctions. The highway engineer, having reviewed the current application and the supporting documentation (Transport Assessment December 2014) and offer no proposal for the 209 houses on highway capacity grounds.

It is proposed that there would be one vehicular access into the site via Sudbrook Road, over the existing level crossing point. The priority at the existing Papermill access will be changed so that westbound traffic from Sudbrook Road will give way to eastbound traffic into the site. This should help reduce the speed of traffic through Sudbrook and will give priority to the large proportion of traffic movements. The access on the north –east corner of the site adjacent to Post Office Row is intended as a pedestrian and cycle link to the existing village. It could be used by emergency vehicles but a method of controlling the access would have to be agreed. This could be resolved via a condition were the Council minded to grant planning permission. The highway engineer has agreed the means of access and welcomes the re-engineering of Sudbrook Road. The proposal reflects the increased vehicle demand and movements to and from the proposed development over and above the movements to the village of Sudbrook, therefore giving priority to the greater volume of traffic movements. The re-engineered junction creates an environment that reduces entry speeds into Sudbrook Village whilst improving traffic flows and avoiding vehicular conflicts. The developer would have been required to enter into the S278 Agreement prior to the commencement of the development.

The Highways Officer also requires improvements to the footpaths alongside the existing Sudbrook Road to increase the width of the path to improve pedestrian access and safety. Again, were permission to be granted, this could be secured via a S106 legal agreement. The absence of this agreement is a reason for refusal, although it is accepted that this matter can be easily resolved during the appeal proceedings via the submission of the necessary legal undertaking.

In general the proposal does accord with the objectives of policy MV1 as the development resulting from this application will not create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network.

5.7 Layout and Parking Provision

There would be a single access into the site in the north-west corner, close to the existing access into the site. From there, there would be a circular distributor road. This would allow for circulation of public service bus within the site. Leading from the distribution road there

would be several adopted cul-de-sacs, and several private shared drives for up to 5 dwellings. The layout is considered a traditional layout adopting in broad terms, current residential estate road design. The provision of a loop assists in promoting permeability and connectivity and provides for the future introduction of a bus service. The layout in particular the introduction of raised junction plateaus, individual raised promenades and shared surface cul-de-sacs creates an environment that promotes and encourages vehicle speeds of 20mph or less. There is scope to improve the site layout by including boulevard planting within the highway along the main site road. However, it is not considered that this constitutes a reason for refusal: the scheme is acceptable as proposed in this regard, however it could be better.

There would be standard footpath width on either side of the distributor road. The development provides a total of 418 car parking spaces within the site (this accords with the 2008 Wales Parking standards). In 2012 Monmouthshire County Council adopted their own parking standards and under these standards a total of 617 car parking spaces would be required. This shortage of parking spaces is contrary to the advice given in the adopted parking guidelines and is especially programmatic given that most of the residents will be dependent on their cars to day to day activity. This shortfall of parking would be detrimental to highway safety and the amenity of future residents and is a reason for refusal. Had the appeal not been lodged, there would have been scope to resolve this objection via slight amendments to the site layout.

5.8 Sustainability and Public Transport

When considering the allocation of this site for housing in the LDP, the issue of sustainability and infrastructure provision was paramount. There are two bus stops within Sudbrook with a service running 5 times daily between Chepstow and Newport. The nearest railway stations are located in Caldicot and Severn Tunnel Junction. Caldicot Station provides hourly services to Maesteg and Cheltenham Spa, as well several services per day to Fishguard Harbour. Severn Tunnel Junction Station provides half-hourly services to Cardiff and hourly services to Taunton and Bristol Temple Meads. As part of this planning application a Travel Plan was submitted which included:

- Funding for a Travel Plan co-ordinator;
- Information Packs for all residents;
- A scooter rack for the local primary school;
- A cycle or walking shelter for the local primary school; and
- Grass Routes membership for all households.

In order to ensure that the new housing development meets with sustainability criteria it was recommended that the developer make a financial contribution, though the 106 legal agreement, to pump prime a new bus service serving Sudbrook. The cost of providing this service is £200,000 for three years and the developers have agreed to this. At present the site is located in what is considered to be an unsustainable location and alternative modes of transport should be encouraged and promoted. The pump priming of the bus service with a financial contribution from the developer is necessary to comply with the LDP strategic objective for sustainable development.

Therefore, were the Council minded to grant planning permission, this contribution could be secured via a S106 agreement. In the absence of this S106 contribution, this forms a reason for refusal, although it is acknowledged that this matter is easily resolved (via the submission of a unilateral undertaking should the Inspector be minded to allow this appeal).

The site is very close to the Wales Coastal Path and the Sustrans Cycle Network. Footpaths and cycle lanes will be provided throughout the site and to link into Portskewett and Caldicot. With the improvements outlined within the travel plan and the close proximity to public transport this site can be seen to be located in a suitable location.

Network Rail has expressed concern regarding the proximity of the development to the Wales Coastal Path on the basis that the extra residents are likely to use the Coastal Path, increasing the level of use of level crossings where the Coastal Path crosses the mainline railway. Irrespective of the proposed development, the purpose of the Wales Coastal Path is to provide a recreation facility and tourism facility and its use is encouraged and aligns with the principles of the Active Travel Act and Well-being of Future Generations Act. The safety of the path was clearly considered when it was designated, and it is not considered that the additional proposed homes on this site would create an unacceptable safety risk. All residents and visitors must behave responsibly when using railway crossings, and it is not considered that a refusal on this basis could be justified or sustained at appeal.

5.9 Flooding

The application site lies within Flood Zones A, C1 (defended flood plain) and C2 (undefended flood plain). However, the proposed dwellings would be located on Zone A or, to a much lesser extent, on Zone C1. The latter area would be raised and the applicants have submitted a Flood Consequences Assessment (FCA) to demonstrate that the risks of flooding are acceptable.

Section 6 of TAN 15 states that highly vulnerable development including residential development, should not be permitted within Zone C2. Within C1, highly vulnerable development such as residential development should be permitted only if the tests in Section 6 of the TAN are met. In this instance, the site is a strategic housing allocation in the adopted LDP, so its development complies with a regeneration initiative. The housing development would be on brownfield land. The consequences of flooding can be acceptably managed. As such, the development complies with TAN15.

NRW confirms that it has no objection to the application as submitted subject to flood risk conditions being imposed and the mitigation outlined in the FCA being carried out.

5.10 Contamination of the Site

A site investigation study was submitted as part of the application. The report details desk studies and intrusive site investigation programmes undertaken between 2001 and 2007 and between 2011 and 2012. The investigation has identified the presence of contamination that could give risk to harm to human health. The Phase II report proposes some remediation options and outlines a remediation strategy for the protection of human health. It is now recommended that the developer confirms which option they wish to take. Subject to normal planning conditions imposed on brownfield sites, there is no objection to the development of this site in terms of human health or the impact on controlled waters from ground disturbing works.

5.11 Layout and Design

The general layout of the site is acceptable with a mix of house types including some smaller two bed units and some terraced properties. The boundaries of the site will be substantially landscaped with buffer zones and tree planting. To the centre of the site is an oversized LAP with an area of open space and a footpath link which will provide an interesting focal point.

The areas of public open space will be overlooked by the proposed dwellings thereby providing a safe environment. The northern boundary of the site is adjacent to the existing railway track which contains some semi mature vegetation, there is a natural stone wall before reaching the main road through Sudbrook. The majority of the existing houses in Sudbrook face into the development site. It is very important that the new development relates well to the existing properties. In order to achieve this the existing vegetation along this boundary will be retained as will the natural stone wall. There will be a mix of finishing materials to match those finishing material in the existing village and would feature red and brown brick, render with stone detailing, window sills on both front and rear elevations and overhanging eaves. The general design considerations comply with the objectives of policy DES1 of the LDP

5.12 Recreational Provision

The layout plan shows a LAP in the centre of the housing development, a LEAP on the open space between the housing development and the estuary and several additional areas of open space. In addition there is an existing equipped play area adjacent to the site. Policy CRF2 of the LDP states that: “Development proposals will be assessed against the Council’s standards for recreation and open space and allotments, as follows:

Public Recreation and open space:

NPFA minimum standards for outdoor play space of 2.4 ha per 1000 population and 0.4 ha public open space per 1000 population which is accessible to residential areas.

Allotments – Spatial standard of 0.25 ha of allotment space per 1000 population

Proposals for new residential development should provide appropriate amounts of outdoor recreation and public open space in accordance with the above standards. Any provision should be well related to the housing development that it is intended to serve, however the exact form and type will be determined having regard to the nature and size of the development proposed. Proposals for new residential development on the strategic sites listed in Policy S3 and any development exceeding 50 dwelling units per site, should also make provision for allotments if required in accordance with the above standards.

In terms of public open space provision, there would be several areas of recreational open space and at least one would feature a children’s play area (one of which would be in the very large area of open space that includes the area of ecological importance and is also in Flood Zone C1 to the south-west of the proposed houses). The proposed development provides more play space and public open space than is required by the standards and complies with policy CRF2. The Council requires that a LAP be provided in the centre of the site and that a commuted sum be provided by the developer for its maintenance. In addition the Council will be requiring a financial contribution to improve the play equipment on the existing play area adjoining (east of) the site. No allotment space is being proposed given that Sudbrook already provides an area of allotments within the village. The proposal does comply with the objectives of policy CFR2 of the LDP.

However, in the absence of a S106 agreement to ensure provision of the on-site open spaces, a commuted sum towards its future maintenance, and a financial contribution to the improvement of the adjacent existing LEAP, the development fails to provide adequate open space and recreation infrastructure for future residents, contrary to policy CRF2. This constitutes a reason for refusal, although it is accepted that this matter can be easily addressed at appeal by the submission of a unilateral undertaking.

It is worth noting that, had the appeal not been lodged, the on-going officer negotiations about viability were likely to suggest that if the site viability does not stack up, some of the recreation proposals could be reduced, for example the proposed new LEAP could be deleted. These discussions can continue as part of the existing application.

It should also be noted that the applicant owns a significant area of adjacent land containing a Scheduled Ancient Monument and that the developer has offered to commit a substantial sum of S106 monies towards enhancing that area. While the improvements would be welcomed, it is considered that those works are not essential to make the development acceptable in planning terms. Consequently, such a S106 clause would not meet the requirements of the regulations. Moreover, if viability is an issue, the money would be better spent on providing affordable housing.

5.13 Biodiversity

The Council's Biodiversity Officer objects to the application based on the level of information that has been made available in relation to protected species considerations, the SINC and overall post development site management. NRW welcome the biodiversity information submitted with the application.

The application site supports a small roost of male or non-breeding female lesser horseshoe bats and a non-breeding roost of common pipistrelle bats. A bat house has been constructed as mitigation for the loss of these roosts. NRW considers that, providing the applicant enters into a S106 planning agreement to secure the long-term management and monitoring of the bat house (roost), there will not be a detrimental impact to the maintenance of the favourable conservation status of the bats. A bat house has already been constructed as mitigation for the loss of these roosts: this was done prior to the demolition of the derelict paper mill buildings. Given the tight budgetary constraints of the development, the Planning Authority does not consider it feasible or necessary to require financial contributions for the long term maintenance and monitoring of the bat house. Alternative bat accommodation has been provided via the erection of the bat house, which was approved by MCC to mitigate for the lost habitat when the derelict buildings were removed. That mitigation is in place as per the approval. Monitoring of the bats would be of interest to conservation groups, but it is unclear how this is justified as necessary to safeguard the population of the protected species.

The applicants have failed to supply sufficient information relating to protected species, information on the SINC and overall post development site management. Further information is required in relation to the clearance of the site and its impact on reptile species. These are material considerations which need to be taken prior to the determination of the application, however it is hoped that these matters can be resolved prior to the public inquiry in the spring of 2016. There is also a designated SINC on the site and some of this will be lost as a result of the housing development although the most valuable part of the SINC is being retained. The EIA submitted as part of the application does refer to mitigation for the loss of part of the SINC but insufficient details have been provided so that it is difficult to assess the proposal in relation to Policy NE1 of the LDP. Again it is hoped that this information will be provided before the application is considered by the planning inspector and that the matter can be resolved.

5.14 Green Infrastructure and Landscaping

The supporting ES documents and the DAS have provided information in relation to GI, however the Council's Landscape Officer does not consider that the assets and opportunities

have been fully realised in the Landscape Strategy. However, bearing in mind the land raising and site remediation requirements, as much existing landscaping is being retained as possible. The site layout is considered to be acceptable as set out above. The layout provides green connections through the site to the public open space, as far as is possible and reasonable. A GI Management Plan is needed and that would need to be requested as a condition if the Appeal Inspector is minded to allow the appeal.

5.15 Footpaths and Cycle Ways

The All Wales Coastal Path runs along the southern boundary of the site and there is also an informal footpath linking Camp right of way to the playground to the east of the site. As part of the proposal the development would include several footpaths linking Sudbrook Village with the All Wales Coastal Path. The Council's Countryside Section would like to see all of these routes made up to suitable standards and given formal status. They would also like to see Footpath 13 formalised with a Cycle Track Order and the All Wales Path include a bridle route. In addition the developers have agreed to improve the public footpath between the site and the railway bridge.

5.16 Impact on Local Services

The Council's Education Department has confirmed that there are 22 spaces in the nearby primary schools, but because the development generates a greater demand than 22 spaces, a S106 contribution of £3.3k per dwelling is required (£627k for the whole site). A request was also made for a contribution towards secondary school capacity, however the nearest secondary school is Caldicot Comprehensive. The Council is just replacing this school as a 21st Century Schools project. The Project Manager has confirmed that the capacity of the replacement secondary schools fully accounted for projected population growth and the allocated LDP sites. As such, a contribution towards secondary education is not considered to be justified.

5.17 Impact on Local Residents

The proposal will inevitably impact on local residents in terms of increase in traffic and because it will effectively double the size of the village. We have received no objections from local residents and the general feeling is that the new housing development will be an improvement in visual terms over the existing derelict site. Many of the dwellings along Sudbrook Road face towards the site but their privacy will not be adversely affected due to the intervening road and railway line. Many of the proposed two storey dwellings will have their rear elevations facing towards the existing dwellings. These are all above the minimum guideline distances and are considered acceptable. Plot 42 would be 18.8 metres from the front elevation of no.27 Church Row but this is also considered acceptable given that it is the side elevation of plot 42 which is closer. These relative distances are such that the residential amenity of the existing occupiers will not be significantly compromised. The proposed layout of the new development does comply with the objectives of Policy DES1 of the LDP.

5.18 Archaeology

Glamorgan Gwent Archaeological Trust has no objection to the application but requests a condition requiring a detailed programme of investigation for the archaeological resource. A buffer zone has been provided between the proposed development and the Scheduled Ancient

Monument (SAM) of Sudbrook Camp and Chapel and Cadw are satisfied with this. The SAM is on land which is owned by the applicant and it is considered that the best way of preserving it is to leave it in situ.

5.19 Sewage and Water Supply.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharge from the site.

The site is located within the Source Protection Zone (SPZ1) for the Great Spring. The site is also adjacent to the River Severn Special Area of Conservation (SAC). NRW consider the site to be highly sensitive with respect to controlled waters. Following the works recommended in the Outline Remediation Strategy, the applicant should then submit a verification report. This could be secured by condition if the application was to be approved.

The All Wales Coastal Path has been open for several years and the increase in pedestrians as a result of this development will not have a significant impact on its usage or upon people using the Caldicot and Mathern Level Crossings.

5.20 Other issues raised by the Community Councils and Gwent Police

The increase in traffic movements generated by this proposal are not sufficient to justify a roundabout being constructed at the entrance to the site. The Highway Engineers are satisfied that the proposed altered priority at the entrance to the site is sufficient to ensure highway safety. The submitted Traffic Assessment has found that the increase in vehicular movements, over and above that which could be generated by the Papermill if it was still operational is not so great as to justify improvements to the controlled crossing over the railway. There will be only one vehicular access into the site. This topic has already been considered at appeal for a larger development and was not found to be a problem. The access into Camp Row will be for pedestrians and cyclists only. The Highway Engineer is opposed to speed restriction within the site itself and the proposed layout will help to control traffic speeds. The impact on local services has been addressed above.

6.0 RECOMMENDATION: Refuse

Reasons:

1. The application is contrary to the provisions of Policy S4 of the adopted Monmouthshire Local Development Plan (MLDP) as it makes no provision for affordable housing and the applicants have not demonstrated that it is not financially viable to do so. Policy S4 requires that in Severnside settlements sites, with a capacity of 5 or more dwellings, provision will be made for 25% of the total number of the dwellings on the site to be affordable (subject to appropriate viability assessment) and the 25% provision is referred to in Table 7 of Appendix 1 Schedule of Infrastructure Provision for Strategic Sites of the MLDP.
2. The development layout submitted shows a significant shortfall of off-street parking that fails to comply with the Council's adopted guidance for parking in the form of the Monmouthshire Parking Standards 2013 and would be detrimental to highway safety and the amenity of future residents, contrary to Policies S16, MV1 and EP1 of the MDLP.
3. In the absence of a S106 agreement to secure highway improvements to footpaths and improved bus services, the proposal is unacceptable and fails to accord with Policies

S7, S16, MV1 and MV2 of the MLD; sustainable transport contributions are referred to in Table 7 of Appendix 1 Schedule of Infrastructure Provision for Strategic Sites of the MLDP.

4. In the absence of a S106 agreement to secure the provision of on-site recreation facilities, their long-term maintenance and a contribution towards off-site recreation improvements to the nearby LEAP, the proposal is unacceptable and fails to accord with Policies S7 and CRF2 of the MLDP, and such site specific requirements are referred to in Table 7 of Appendix 1 Schedule of Infrastructure Provision for Strategic Sites of the MLDP.
5. In the absence of a S106 agreement for the provision of education infrastructure, the proposal would put unsustainable pressure on in local primary school facilities, and would be contrary to Policy S7 of the MLDP.
6. The application as submitted has provided insufficient information in relation to nature conservation interests, with reference to protected species particularly bats, information on the Site of Interest for Nature Conservation (SINC) and overall post development site management; further information is required in relation bats and the buildings to be demolished on the site (excluding the paper mill). As such, the proposal as submitted would be contrary to Policies S13 and NE1 of the MLDP.

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DC/2014/01489

DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW RESIDENTIAL DWELLING WITH ASSOCIATED ACCESS, CURTILAGE AND LANDSCAPING WORKS

PWLL Y CATH, NEWCHURCH, DEVAUDEN

RECOMMENDATION: REFUSE

Case Officer: Prospero

Registered: 15/01/2015

Introduction

This application was presented to Members of the Planning Committee on 8th September 2015, recommended for approval, however Members at that Committee considered that whilst there is no objection to the principle of a replacement dwelling, the movement of the curtilage into the paddock to the north/ east would be unacceptable, with the proposed dwelling likely to be overly prominent in that location, particularly from long views across the valley. Members therefore requested that the application be deferred to allow the applicant to reconsider the siting of the replacement house within the existing curtilage.

The applicant has requested that the proposal be considered as it stands and therefore the application is recommended for refusal for the following reason:

- 1. The proposed replacement dwelling, by reason of its location outside the existing curtilage of Pwll y Cath and in a more elevated position, would represent an overly prominent and unsympathetic form of development within the landscape that would fail to respect its setting. As such the proposal would be contrary to Policies H5 and LC5 of the Monmouthshire County Council Adopted Local Development Plan (February 2014) and the guidance contained within Supplementary Planning Guidance 'Policies H5 and H6 - Replacement Dwellings and Extensions to Dwellings in the Countryside' (April 2015).**

PREVIOUS REPORT (8th September 2015)

1.0 APPLICATION DETAILS

- 1.1 The application site is located within the scattered community of Newchuch, to the north west of the lane that leads to Valley View. The application site is a paddock approximately 0.2ha that is located adjacent to the dwelling Pwll-y-Cath. To the south of Pwll-y-Cath is a detached bungalow 'Glen View' and Pwll-y-Cath Barn to the rear (north-west).
- 1.2 The existing dwelling is a large detached, modern dwelling (built 2004) with rendered walls and slate roof that faces directly onto the lane. Whilst relatively new, the house is in a poor state of repair and is structurally defective, that needs upgrading in respect of drainage and heating.

1.3 The land rises north to south and the site is surrounded by open fields with mature hedgerows. There is no immediate pattern or style to dwellings in the area.

1.4 The application has been submitted with the following supporting information:

- Planning, Design and Access Statement
- Bat Survey Report. Pwll-y-Cath, Newchurch, Chepstow, NP16 6DJ' dated September 2013 by Merlin Bio-Surveys

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial distribution of new housing provision

S13 Landscape, Green Infrastructure and the Natural Environment

S17 Place Making and Design

Development Management Policies

EP1 – Amenity and Environmental Protection

EP5 – Foul sewage disposal

DES1 General Design Considerations

H5 – Replacement dwellings in the open countryside

LC5 - Landscape Character

NE1 – Nature conservation and design

4.0 REPRESENTATIONS

Consultation Responses

Devauden Community Council – recommends refusal. No objective evidence of the need to demolish and replace a house built in 2004. Moreover, the proposed development would be more visually intrusive than the existing house because it would be significantly higher up the hill and re-orientated by some 45 degrees from the existing alignment thereby exposing the frontal elevation. SPG 2014 Replacement Dwellings, Section 6 requires that there should be no increase in the overall visual impact of the replacement building.

MCC Landscape Officer – 03.08.15 amended plans - I welcome the decision to move the dwelling to a lower point some 5m further south down the slope and reduce the floor level by 1m in recognition of the visual impact and sensitivity of the site.

17.06.15 original comments - my key landscape concerns relate to issues highlighted in H5 (supported by our adopted SPG) and LC5.

In considering Policy H5 and the supporting Replacement dwelling SPG I am of the view that the bulk form and size of the proposed dwelling does not respects its setting;

- situated on a steep elevated slope with long vistas across the valley with substantially increased height to ridge, over 3 floors
- the proposal is more prominent and the large scale 3/4 storey southern frontage with large sections of glass will be more visible within the surrounding landscape.
- orientated south, south west – the proposal will be very prominent in the wider landscape.

In contrast the existing proposal is lower on the hillside, smaller in scale (2 storey) and is tucked into the valley side behind a hedge at a lower level than the proposed replacement dwelling.

Policy H5 makes it quite clear that where a building of a larger scale is proposed this will need to demonstrate that the proposals do not cause unacceptable harm to their setting and the landscape, this is supported by SPG paras 4.4, 6.2 and 6.3. This has not been demonstrated by the applicant and the above issues remain.

My key landscape concerns relate to issues highlighted in H5 (supported by our adopted SPG) and LC5.

In considering Policy H5 and the supporting Replacement dwelling SPG I am of the view that the bulk form and size of the proposed dwelling does not respects its setting;

- situated on a steep elevated slope with long vistas across the valley with substantially increased height to ridge, over 3 floors
- the proposal is more prominent and the large scale 3/4 storey southern frontage with large sections of glass will be more visible within the surrounding landscape.
- orientated south, south west – the proposal will be very prominent in the wider landscape.

In contrast the existing proposal is lower on the hillside, smaller in scale (2 storey) and is tucked into the valley side behind a hedge at a lower level than the proposed replacement dwelling.

Policy H5 makes it quite clear that where a building of a larger scale is proposed this will need to demonstrate that the proposals do not cause unacceptable harm to their setting and the landscape, this is supported by SPG paras 4.4, 6.2 and 6.3. This has not been demonstrated by the applicant and the above issues remain.

MCC Highways –The existing vehicular access and parking area will be permanently closed as part of the proposal with the creation of a new and improved vehicular access 10m northeast of the existing. The new vehicular access, driveway and parking and turning area proposed is considered to be an improvement over the existing and exceeds the requirements set out in the supplementary planning guidance, Monmouthshire Parking Standards 2012.

In light of the proposed replacement dwelling and improved access, parking and turning area there are no highway grounds to sustain an objection to the application
 Natural Resources Wales – welcome the bat survey Subject to implementation of mitigation measures set out in the report we do not consider the proposal will result in

detriment to the maintenance of the favourable conservation of bats. Suitably worded suggested. EPS licence required.

MCC Public Rights of Way Officer – The applicants attention is drawn to Public Footpath 39 in the community of Devauden, the alignment of which appears to be wrongly indicated on the application drawings. The legal alignment of footpath 39 very likely runs through and is obstructed by the building it is proposed to demolish. The legal alignment of Footpath 39 must remain open and free for use by the public at all times. It is possible that the proposal may resolve this issue but if not a public path order will need to be obtained. A public path order will also need to be obtained prior to any works further affecting the availability of the path. Additionally if the path is to be made temporarily unavailable by construction work then a temporary path closure will need to be obtained and any damage to the path as a result of the development will need to be made good by the applicant. The applicant should contact Countryside Access Department to discuss.

MCC Tree Officer - I have not carried out a site visit, however, I believe there to be sufficient information on aerial photography and Google Street View for me to make an informed comment. The site itself is fairly open with mature hedgerows on the north eastern and south western boundaries. There is also a mature Sycamore at the far north eastern corner of the site which is protected by one of our older tree preservation orders. I do not feel that a full tree survey in accordance with British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations is necessary in this case; however there is a possibility that the hedgerows and any trees that sit within them may be damaged by ground compaction and/or root severance if they are not adequately protected. I would therefore like to see the following condition

MCC Development Plans - Strategic Policy S17 is of relevance relating to Place Making and Design. The site is located in the open countryside where Policy H5 relating to replacement dwellings in the open countryside applies, containing detailed criteria that must be considered. Policy H5 states the design of the new dwelling is of a form, bulk, size and scale that respects its setting and that it shall be of similar size to the replaced. The Replacement Dwellings and Extensions to Rural Dwellings in the Countryside Supplementary Planning Guidance (SPG) should also be referred to as a key consideration. An update to this SPG providing details relating to the LDP policy context has currently been through consultation with the aim to adopting the SPG in March.

Section 4 of the SPG is of particular importance. The Planning, Design and Access Statement submitted with the application refers to the SPG stating ‘the SPG confirms that replacement dwellings shall be of a similar size to that replaced and no larger than a 30% increase will be permitted within the AONB and Conservation Areas of the County or 50% elsewhere’. Paragraph 4.2 of the SPG (September 2014) actually states ‘any increase in the volume of the replacement dwelling over the existing will normally be no more than 30% unless it can be clearly demonstrated either that there will be no harmful intrusive impact in the landscape through the increased size of the dwelling or that there is an enhancement in the appearance of the existing dwelling, subject, in any event to the increase in volume being no more than 50%’. In addition to this, the exceptions to limits for extensions to rural dwellings set out in paragraph

3.10 of the SPG also apply to replacement dwellings. The SPG stipulates that an increase of over 30% for dwellings over 750m³ in volume will not normally be allowed and that the larger the building the lesser the percentage increase that is likely to be acceptable. The existing building in this case is 2044.54m³ the proposed replacement dwelling is 2790.6m³ over 36% larger. The justification of such an increase will need to be looked at carefully to determine whether there is compliance with Policy H5 and Section 3/4 of the SPG.

Additionally, Criterion (c) of Policy H5 refers to the residential curtilage of existing and replacement dwellings noting that it would normally be expected that the residential curtilage is no larger than that of the existing dwelling. The proposed curtilage appears larger in size and is also positioned in a different location. Paragraphs 6.2 and 6.3 of the SPG relate to the siting of the dwelling and size of curtilage and as a consequence must be considered in detail. Replacement dwellings are normally expected to be located on the site of the existing dwelling.

Policy LC5 relating to Landscape Character must also be referred to along with Policies EP1 and DES1 relating to general development considerations.

Welsh Water – No sewers in area – no comment

Neighbour Consultation Responses

None received.

5.0 EVALUATION

5.1 Principle of Development

The site is located in the open countryside where Policy H5 of the Local Development Plan (LDP) relating to replacement dwellings in the open countryside applies, containing detailed criteria that must be considered. Policy H5 states the design of the new dwelling is of a form, bulk, size and scale that respects its setting and that it shall be of similar size to the replaced. The Replacement Dwellings and Extensions to Rural Dwellings in the Countryside Supplementary Planning Guidance (SPG) is also a key consideration.

The principle of replacing the existing modern non-traditional dwelling is considered to be acceptable and in accordance with Policy H5. Within this Policy it is deemed acceptable to replace modern dwellings. The reason given for demolition of the building, although relatively new, is that it has structural defects in terms of insulation, drainage and heating that make the property unsustainable.

Initial concerns were made regarding the impact of the proposal on its setting and the surrounding landscape given its position on a different footprint (17m away from existing), higher up a slope with a taller roof.

Following dialogue, it was accepted by the agent, in the absence of a landscape assessment that the original proposal needed to be revisited to reduce any impact upon its setting and the surrounding landscape. Revised drawings were subsequently

submitted with a repositioned footprint of the proposed dwelling circa 5m further south (down the existing slope and closer to the existing property) with a reduced floor level approximately 1m lower than the originally proposed dwelling, built into the slope itself. The Council's Landscape Officer has welcomed these amendments.

Policy H5 exceptionally allows for larger replacement dwellings of high quality sustainable design provided the proposals do not cause harm to their setting or landscape. The existing house is large (over 750m³) where a 30% threshold is placed on the size of replacements however it is considered that the proposal, at 36% larger than existing, is not excessive and will result in a much more sustainable building that overall, will be set reasonably into the landscape.

Additionally, Criterion (c) of Policy H5 refers to the residential curtilage of existing and replacement dwellings noting that it would normally be expected that the residential curtilage is no larger than that of the existing dwelling. The proposed curtilage is the same and whilst positioned in a different location would not result in any increase or encroachment as the existing curtilage and dwelling would be restored to paddock. The existing highway arrangement does not necessarily allow for cars to exit in a forward gear whereas the new layout would allow for this.

The amended position of the proposed replacement dwelling with a lower floor level is considered to be generally in accordance with the objectives of Policy H5 that aim to ensure that replacement dwellings do not detract from the special qualities of the open countryside in Monmouthshire.

5.2 Visual Impact

Policies H5, LC5 and DES1 of the Adopted Local Development Plan (LDP) are relevant in this instance.

As established within the previous 'Principle of Development' section, it is considered that whilst the proposal is larger and on a different footprint, the revised location of the building - closer to the existing house, lower down the slope and a reduction in the floor level by 1m - reduces the visual impact of the proposal and is considered acceptable.

The building would be stone-faced, set against the hillside and the proposal would keep the same curtilage area as existing, albeit adjacent to that existing. The existing property is painted render. Therefore it is considered that the stone finish would better blend into the hillside and reduce long range views of the property.

All existing hedgerows are to be retained and potentially could be supplemented through additional planting.

The proposal includes all necessary outbuildings with the garage at lower ground floor level that reduces the proliferation of garages, etc., within the open countryside.

In visual terms, the existing property is of limited architectural merit and the replacement building in its amended location is considered to accord with Policies EP1 and DES1 of the Monmouthshire Local Development Plan.

5.3 Residential Amenity

Policies EP1 and DES1 should be taken into consideration in relation to Amenity and Environmental Protection and General Design Considerations respectively. The orientation and of the proposed dwelling is such that the front and rear elevations overlook garden or countryside. To the west elevation, there are first floor windows - however given the distances and intervening buildings there would be no direct overlooking of neighbours to the south and west.

There have been no neighbour objections to the proposals. The replacement dwelling is considered to be in accordance with Policy EP1 of Monmouthshire's LDP.

5.4 Highway safety

The existing vehicular access and parking area will be permanently closed as part of the proposal with the creation of a new and improved vehicular access 10m north-east of the existing. The new vehicular access, driveway and parking and turning area proposed is considered to be an improvement over the existing and exceeds the requirements set out in the supplementary planning guidance, Monmouthshire Parking Standards 2012. Overall, the Highways Department consider there are no highway grounds to sustain an objection to the application subject to standard conditions.

5.5 Biodiversity

The proposals include the submission of an ecological survey that outlined that there were bat species using the building. The Council's Biodiversity Officer and Natural Resources Wales (NRW) have reviewed the information and are satisfied that the development would not have an unacceptable impact on wildlife interests subject to mitigation being implemented on site via conditions. The proposed development would have an acceptable impact on wildlife interests and would be in accordance with Policy NE1 of the LDP.

The Local Planning Authority "must have regard to the requirements of the Habitats Directive....in the exercise of their functions" (Reg. 9(5) Conservation Regulations 2010). This was reinforced by the case law example (Wooley vs Cheshire East Borough Council, May 2009) that established that Local Planning Authority's must engage with the Habitats Directive and this means that they must: Consider whether a European Protected Species (EPS) offence under the Conservation of Habitats and Species Regulations 2010 (Cons Regulations 2010) is likely to be committed by the development proposal. A protected species report has been produced and submitted with this application which identifies the presence of a bat species using the site. However the applicants have proposed mitigation measures to ensure that the proposals do not harm wildlife interests. The application must be subject to the three tests of derogation as described by Article 16 of the Habitats Directive 92/43/EEC and implemented by the Conservation Regulations 2010. The Local Planning Authority must consider whether the three derogation tests will be met and so whether the Welsh Government is likely to grant a licence. With regard to the three tests these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range. In relation to the above points, these are addressed in turn in relation to this application.

Test 1 - The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment. It is considered that the proposed replacement dwelling would not harm wildlife interests subject to the mitigation measures proposed and it would ensure that a far more sustainably-constructed dwelling which accommodates bat mitigation is sited at the site that is fit for purpose.

Test 2 - This test is concerned with whether the scheme as submitted is the only satisfactory option and that there are no alternatives available. Looking at all the options available, these fall into four main groups: (i) to develop an alternative part of the site, (ii) to do nothing, (iii) to demolish the existing building and construct a new building in situ, or (iv) to allow this proposal. Given the context of the site, the first option would have the same consequences as the current proposal. With regard to the 'doing nothing' option, whilst in the short term at least, doing nothing would preserve the present bat roosts in situ, ultimately if the dwelling is left to deteriorate. The third option would have the same consequences as the submitted proposal. The final option is to construct a replacement dwelling, as proposed. This is considered an acceptable option for the Local Planning Authority. The proposals aim to develop a modern sustainable eco-friendly residential property and provide mitigation measures to ensure the habitats of the European Protected Species (EPS) are ultimately protected at the site. It is considered that this proposed option would be the most appropriate for the site in terms of protection of the EPS and developing the potential of the site.

Test 3 - The final test of the Regulations is concerned with the mitigation and maintenance of the population of the species at a favourable status in their natural range. The scheme submitted provides an ecological survey which highlights the location of the identified roosts in the building. The applicant has offered clear details of how they intend to mitigate for the impact that the proposals will have on the bat population. The submitted report proposes mitigation options and an enforceable working method statement will be submitted to the Local Planning Authority for approval prior to the commencement of development. It is considered that the proposals would not harm bat species at the site.

The proposal does meet the tests and the view is taken that the Welsh Government would grant a licence. The Council's Biodiversity Officer and NRW have reviewed the proposals and are satisfied that subject to appropriately worded conditions and informatives the proposed development would have an acceptable impact on wildlife interests. The Local Planning Authority therefore may legally give consent for the proposals subject to these conditions.

5.6 Conclusion

The proposed dwelling would be of a large size but would be of an acceptable standard of design. The revised location of the dwelling would have an acceptable visual impact and would not appear incongruous to the area. It would integrate well with the terrain of the landscape and not harm the character and appearance of the wider landscape. It would be of a high standard of design and constructed with traditional materials that are appropriate for the area, and would be less intrusive in colour than those of the existing dwelling. The proposed dwelling has been designed to be energy efficient and this is considered to be a positive form of development in terms of its sustainability and its impact on the environment. The proposed development is considered to be in accordance with the relevant policies of the LDP and therefore the development would be acceptable.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

1. NC01 Standard 5 years
2. PLAN Plans compliance
3. The new access and driveway shall be constructed of a hard surface permeable material so as to allow surface water to be disposed of within the site and to prevent any loose material from being brought out onto the public highway.
4. No surface water shall drain onto the public highway or into the public highway drainage system.
5. A visibility splay of 2.4m x 40m measured from the centre line of the access shall be provided in each direction. Nothing which may cause an obstruction to visibility shall be placed, erected or grown in the splay.
6. The access shall be a minimum width of 3m. Gates if provided shall not open outwards and shall be set back a minimum of 5m from the highway boundary.
7. Prior to the commencement of the project, a construction exclusion zone in the form of protective fencing such as Heras or 1.4m high chestnut pale or similar shall be erected along the hedgerows within the development site at a minimum distance of three metres from the centre of the hedge. No storage of materials, plant, mixing of cement, bonfires, parking of vehicles or any other construction activity is allowed within the fenced off area. Reason - To protect the root systems of the hedgerows from damage.
8. The hereby permitted works shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations (Amendment) 2012 authorising the specified activity/development to go ahead; or
 - b) a statement in writing from a suitably experienced ecological consultant; to the effect that it does not consider that the specified activity/development will require a licence. REASON: to ensure that plant and animal species which come within the terms of The Conservation of Habitats and Species (Amendment) Regulations 2012 are effectively protected and that a copy of the NRW development licence is submitted to the LPA.

9. No development shall take place including any demolition, ground works, site clearance until a protected species (bats) method statement for works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include, as a minimum the:
 - a) purpose and objectives for the proposed works;
 - b) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - c) measures to avoid killing and injuring bats during works
 - d) use of materials (such as timber, roofing membranes),
 - e) persons responsible for implementing the works;
 - f) positioning, size, type & location of bat roosting provision
 - g) positioning and size of entrances of bat mitigation;
 - h) initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To safeguard the favourable conservation status of Protected Species in accordance with LDP policy NE1
10. Opportunities for the use of the proposed dwelling by roosting bats shall be incorporated in the scheme to be as a minimum as outlined in Section 9 ‘Recommendations’ and Section 10 ‘Mitigation Plan’ of the revised Bat Survey report undertaken by Merlin Bio Surveys dated February 2015. Reason: To safeguard roosting habitat of Species of Conservation Concern in accordance with Conservation of Habitats and Species (Amendment) Regulations 2012 and LDP policies NE1
11. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings until an appropriate lighting plan which includes low level lighting and allows dark corridors for bats has been produced and agreed in writing with the LPA. Reason: To safeguard roosting and foraging/commuting habitat of Species of Conservation Concern in accordance with Conservation of Habitats and Species (Amendment) Regulations 2012 and LDP policy NE1.
12. The development hereby approved shall be carried out in accordance with the wildlife protection measures made in the ‘Measures to Protect Wildlife’ section of the Phase 1 Habitat Survey report undertaken by Abbey Sanders Ecology dated November 2013; unless otherwise agreed in writing by the Local Planning Authority. Reason: To comply with the provisions of the Wildlife & Countryside Act 1981.
13. PD Rights removed
14. PD rights for enclosures removed
15. 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.
16. The existing dwelling shall be demolished or removed from site no later than two months after the first occupation of the replacement dwelling
17. Prior to the occupation of the building full details of landscape works for the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping of the site shall be implemented as agreed.

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Informatives:

1. EPS licence
2. Bats
3. Please see Dwr Cymru Welsh Water letter dated 21/01/2015
4. In the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.
5. Research currently underway indicates that breathable membranes pose a significant and avoidable risk to bats and furthermore that using such membranes in bat roosts runs the risks of impairing the ability of the membrane to function properly. We wish to advise that the use of this membrane in bat roosts is therefore unlikely to be granted a licence, if required. A product that has a long and proven track record of suitability in bat roosts is bitumastic felt to BS747, and NRW recommends the use of this material in bat roosts. We therefore advise that if the roof is to have access for bats included, as outlined in the report, that an informative or advisory note is attached to this effect.
6. The applicant's attention is drawn to Public Footpath 39 in the community of Devauden, the alignment of which appears to be wrongly indicated on the application drawings. The legal alignment of footpath 39 very likely runs through and is obstructed by the building it is proposed to demolish. The legal alignment of Footpath 39 must remain open and free for use by the public at all times. It is possible that the proposal may resolve this issue but if not a public path order will need to be obtained. A public path order will also need to be obtained prior to any works further affecting the availability of the path. Additionally if the path is to be made temporarily unavailable by construction work then a temporary path closure will need to be obtained and any damage to the path as a result of the development will need to be made good by the applicant. The applicant should contact Countryside Access Department to discuss.
7. Please see Natural Resources Wales Planning Advice Note.

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DC/2015/00688

RESIDENTIAL DEVELOPMENT TO PROVIDE 5 DWELLINGS (INCLUDING 60% AFFORDABLE HOUSING) AND ASSOCIATED WORKS AND THE PROVISION OF A NEW VEHICULAR ACCESS

LAND AT SHIRENEWTON (LDP ALLOCATION SITE SAH11 xiv) b))

RECOMMENDATION: APPROVE

Case Officer: Kate Young

Date Registered: 20th January 2015

1.0 APPLICATION DETAILS

The application seeks the erection of five residential units comprising two, detached 4-bedroomed two storey market units and a two storey affordable housing block containing one 2-bedroomed house and two 1-bedroomed flats. There would be two shared vehicular accesses, one for the market housing and one for the affordable units. The two detached houses would each have a double garage and the affordable units would have five car parking spaces. There would be new hedge planting along the northern and eastern boundaries. The existing hedge along the road frontage would be re-aligned to accommodate the visibility splay. Both the market housing and the affordable units would be finished in the same brick and natural stone materials with natural slate roofs.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S1 – Spatial Distribution of New Housing Provision
- S2 – Housing Provision
- S4 – Affordable Housing Provision
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S17 – Place Making and Design

Development Management Policies

- H1 – Residential Development
- H2 – Residential Development in Main Villages
- NE1 – Nature Conservation and Development
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- SD4 – Sustainable Drainage
- MV1- Proposed Developments & Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Shirenewton Community Council - The Council acknowledged that this development has been approved but recommended refusal of this application, with the following observations:

- Five residential units is over development of the site causing cramming. The size of the site is roughly equivalent to that of a neighbouring development of three houses.
- Access should be relocated to avoid the removal of a long length of ancient hedgerow which is outside the LDP line.
- The increased and unacceptable concentration of traffic from this and another proposed development on the road junction with Killenny Road.
- The LDP line was altered to allow the building of the four previous houses and it is now proposed to be altered again to accommodate access.

County Councillor Down will attend the Planning Committee meeting and speak on behalf of this Council.

Planning Policy - The site is allocated for around five dwellings in Policy SAH11, the specific site reference of which is SAH11 (xiv) (b). Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to three affordable dwellings and two market dwellings and therefore complies with both S4 and SAH11 in principle.

Policy NE1 Nature Conservation and Development should be referred to relating to mitigation and compensation, particularly in relation to the removal of part of existing hedgerows bounding the site to create the two site accesses. The translocation of hedgerows and new hedge planting are welcomed. Policy GI1 must also be taken into consideration relating to Green Infrastructure (GI). It is noted that an ecological survey has been submitted with the application. A high standard of landscaping is also required as there are currently no natural defensive boundaries in this location. This development is not considered, however, to be one to which the detailed requirements of the GI Supplementary Planning Guidance apply (such as the provision of a GI Opportunities Plan, for instance), given the small scale character of the development and the need to give priority to the high level of provision of affordable housing. Similarly, Policy S7 – Infrastructure Provision indicates that in negotiating Section 106 agreements in such circumstances priority will be given to the affordable housing required by Policy S4, ‘unless there is an overwhelming need for the available contribution, in whole or in part, to be allocated for some other necessary purposes’. In this respect, it should also be ensured through a Section 106 agreement that the market housing is not constructed without the required provision of affordable housing. It is noted the s.106 statement refers to the different types of affordable units, it should however state that the LCHO dwelling (Plot 3) will remain affordable in perpetuity as well as the two social rent units.

General policies DES1 and EP1 relating to General Design Considerations and Amenity and Environmental Protection respectively must be taken into consideration.

Finally, whilst the site is not located within an Area of Special Archaeological Sensitivity GGAT commented in the LDP preparation that due to the location of the nearby Holy Well ‘the area will need archaeological evaluation at a planning application stage but that it could be allocated in the LDP in archaeological terms with the proviso that archaeological features could restrict development’. I would suggest you therefore consult GGAT at the earliest opportunity in order for them to provide guidance on the works involved.

MCC Housing Officer – Monmouthshire Housing Association has confirmed that the affordable properties meet acceptable standards on the above development. Housing and Community Services are, therefore, fully supportive of the development.

Highways – The application is for a residential development of 5 dwelling units, 2 detached 4-bed units and one semidetached building consisting of 1 2-bed unit and 2, 1-bed flats, on land allocated under the LDP, site allocation SAH11.

The development comprises of two separate access points onto the adjacent county highway C61-1. The eastern access will serve 3 units whereas the western access will serve 2 units. For the 3 units served from off the eastern access there is car parking and turning provision for 5 vehicles - 2 spaces for the 2 bed unit, 1 space for each 1-bed flat and 1 visitor's parking space. For the 2 4-bed units off the western access there is car parking and turning provision for 4 spaces for each unit, 2 car parking spaces and a double garage. The proposals therefore comply with the SPG Monmouthshire Parking Standards 2012.

As part of the proposal a footway is to be provided along the site frontage, within the highway verge, to allow for pedestrian connectivity to other potential development sites and the village of Shirenewton.

Considering the development overall we are satisfied that the traffic generated from a small development of 5 units will have no negative impact on highway safety and that there is sufficient capacity on the local highway network to accommodate it.

In light of the aforementioned there are no highway grounds to sustain an objection to the application subject to the following conditions being applied to any grant of planning approval:

1. No development may commence until the applicant has submitted an application to the Highway Authority, pursuant to Section 184 of the Highways Act 1980, for the provision of the 2 access points and footway within the existing public highway.
2. No surface water shall be drained onto the adjacent county highway or into the county highway drainage system and shall be disposed of onsite through a sustainable drainage system.

Dwr Cymru-Welsh Water – no problems are envisaged with sewage treatment or water supply; DC-WW outlines conditions relating to foul and surface water being drained separately.

Glamorgan Gwent Archaeological Trust (GGAT) – offers no objection.

MCC Biodiversity - based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision. It is unacceptable that the hedgerows abounding plots 1 and 2 gardens are within the gardens as they are likely to be degraded over time as people remove them to enlarge gardens/improve views. I believe it was indicated at pre-application stage that the adjacent landowner could own/manage the hedgerows. This should be reconsidered. It is advised that a Construction Method Statement is conditioned on any planning consent due to considerations around hedgerows and badgers that use the site. Conditions relating to a small scheme of nest boxes and bat boxes are also recommended in line with LDP Policy NE1 to provide enhancement for biodiversity. This

was included in the pre-application advice and is recommended in the Ecological Assessment. Conditions are suggested relating to a Construction Method Statement, nesting birds and biodiversity enhancements.

MCC Landscape Officer - I have reviewed the above information and undertaken a desk top analysis of the site and surrounding area.

Landscape Assessment - relevant Policies LC4 and LC5

The site is situated within an area noted for its high quality landscape and picturesque qualities; noted characteristics are ancient woodland and long views over the Severn Estuary. LANDMAP evaluation scores range from outstanding to moderate. The Monmouthshire Landscape & Sensitivity Capacity Study has also refined this assessment, highlighting LLCA SM04 as High/medium sensitivity and low capacity.

To highlight the sensitivity and likely impacts of the proposal within the existing landscape and to inform and support the character of the new proposal, the applicant has submitted an appropriate LVIA. The findings from the LVIA have also been considered in the DAS.

Green Infrastructure (GI) - relevant Policies GI1, NE1 and DES2.

The applicant has not provided a Green Infrastructure Assets and Opportunities plan. I am unable to determine the extent of GI assets around the site and potential opportunities linked to them (through development). We would not necessarily require a full GI submission, given the scale of development; however we would suggest highlighting GI in their Design & Access Statement (DAS) and then worked through in the overall plan. This is good design and should form part of the general design considerations development proposals are expected to meet in Monmouthshire.

Design - relevant Policy DES1.

The applicant has submitted an adequate DAS; relevant topics have been addressed. We would suggest highlighting GI in their DAS and then worked through in the overall plan. No further comments on design.

Recommendations

Without the submission of site development sketches and plans, regarding buildings and the landscape assessment, it is impossible to assess the 'significant consideration' given to the detailed proposal (ref. 3.2.6); or the robust landscape treatment to integrate development into its setting (ref. 5.2). Having said that, the scheme will over time, integrate and preserve the 'edge of settlement' character. The landscaping proposals will also provide a suitable setting for the new buildings and the inclusion of the native hedge will provide some mitigation to 'soften' the new development.

To manage the application with policy GI1 and DES1 we would require a detailed plan showing how GI connectivity works through the various scales of their GI assets. This is 'good design' (5.3) and should already have been undertaken by their architectural and landscape consultants in their development stages.

Specifically:

The buildings; green roofs and walls; grey water collection; the curtilage of the unit/s.

Access roads/car parking; surface treatments, managing surface run off, filtration.

Other relevant policies: SD2/SD4/MV3/MV4

4.2 Neighbour Notification

Letters of objection received from three addresses:

This and the adjacent scheme will increase traffic and as the sightlines are very poor; it will increase the risk of accident.

No details of waste water drainage.

Existing drains can't cope with the level of surface water.

Loss of Hedgerow

Brownfield sites should be used first.

The VDB was moved as part of the LDP

It will set a precedent for more edge of village development.

Details of surface water should be considered prior to determination of the application.

LVIA considered that the proposed development will have a substantially negative effect upon The Gables and the layout does nothing to mitigate this.

The building line of plot 1 is not in line with The Gables or other existing dwellings.

Plot 1 is too close to existing dwellings.

The foundations of plot 1 would undermine the proposed retaining wall.

The submitted street scene is misleading.

A lot of excavation works on this site and the site opposite would completely change the character of the village.

The density will not be in keeping with the surrounding development

The cumulative impact of all the proposed development in this area could impact on highway safety.

4.3 Local Member Representations

County Councillor Down will attend the Planning Committee meeting and speak on behalf of Shirenewton Community Council.

5.0 EVALUATION

5.1 Principle of Development

The site is within the Shirenewton Village Development Boundary and is an allocated site under Policy S1 of the adopted Monmouthshire Local Development Plan. The principle of new residential development on this site is therefore acceptable. The site has been identified under Policy SAH11 (xiv)(b) as being suitable for around five dwellings. The primary purpose of this allocation is to provide affordable housing to meet the needs of local people and developments will be expected to comply with the requirements of Policy S4 so that 60% of the dwellings are affordable. The proposal does comply with the requirements of Policy S4 as 60% of the units are affordable, the mix of house types meets local need and the affordable units meet DQR standards.

5.2 Design and Layout

The land slopes down steeply in a northerly direction from the road frontage of the site. Plot no. 1 follows the building line established by the existing dwellings with a garage at the front of the site. Plot no.2 is set much further back and will not be visually prominent when viewed from the road. Plots 3, 4 and 5 are set closer to the road with a car parking court to the rear. There would be a stone wall along the frontage of the whole site which reflects one of the strong characteristic features of the village of Shirenewton. A public footway would be provided at the front of the site. All of the dwellings on the site are finished in Audley Antique facing bricks with the front gables in natural local stone. The natural stone reflects

the prevailing character of the village of Shirenewton as does the natural slate on the roof. All the dwellings will have overhanging eaves and stone sills and lintels. The external appearance of the units is considered suitable in this location and the appearance of the housing units would be uniform across the whole site.

5.3 Access & Parking

In relation to access provision, the applicants underwent a pre-application advice submission and discussed the layout to be submitted with officers, including the Council's Highways Engineer. The scheme submitted was arrived at through these discussions and has led to the two access points now proposed with adequate visibility for each, facilitated by the realignment of the roadside hedgerow to the east of the site. Adequate parking, in accordance with the adopted Council supplementary planning guidance, has been provided on site, and vehicles can access and egress the site in a forward gear. The proposal is therefore considered to satisfy Policy MV1 of the adopted LDP.

5.4 Landscaping

The site is located within a high quality landscape but is outside the Wye Valley AONB which is about 550 metres to the north-east. As the land slopes down from the road the site is more visually prominent when viewed from the north east than from the Severn Estuary. A Landscape and Visual Assessment was submitted by the applicants as part of the application. This addressed both the effects on the landscape as a resource in its own right and the effects on views and visual amenity. The Landscape Assessment confirmed that the proposed development would have no effect on the landscape character of the study area and confirmed that when the development site was viewed from a distance from a number of footpaths and roads there was negligible or no change to the view due to the intervening topography and vegetation. The development site is much more visually prominent when viewed from the footpath that runs between Shirenewton and Mynydd-bach; the landscape mitigation recognised this and has established hedgerows and trees along the northern boundary of the site which would reduce the impact over time. The field work identified that the proposed development would be seen from a number of properties in the Shirenewton and Mynydd-bach area. The scale of the visual impact on views from these properties to the south west of the site were assessed to be moderate but the scale of the visual impact from the adjoining property, The Gables was assessed as substantial. For the majority of these predicted views the assessment found there would be negligible or no change to the view as the site only formed a small element of the view and the establishment of a new hedgerow on the boundaries of the site will assist visual integration.

The Council's Landscape Officer would have preferred to have seen site development sketches and plans regarding buildings and the landscape assessment. She does recognise however that "the scheme will over time, integrate and preserve the 'edge of settlement' character. The landscaping proposals will also provide a suitable setting for the new buildings and the inclusion of the native hedge will provide some mitigation to 'soften' the new development."

Policy GI1 of the LDP states that development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network. The applicants have not provided a Green Infrastructure Assets and Opportunities Plan, however the Council would not normally require a full GI submission for this scale of development. Generally it is accepted that a full GI submission will only be required for major housing developments i.e.

those of 10 or more units. Given the small scale of the proposal, there is very limited scope for GI initiatives although the planting of new indigenous hedgerows along the northern and eastern boundaries of the site will help to provide some green connectivity. The existing hedgerow along the road frontage will be re-aligned to provide for a sufficient visibility splay in an easterly direction from the site.

5.5 Biodiversity

It is recognised that it is desirable to have the hedgerow abutting plots 1 and 2 to be outside the residential curtilage and maintained by the land owner of the field rather than the individual householders. This would help to ensure the integrity of the hedgerow which is particularly important given that this will form the new boundary to the village of Shirenewton where it abuts the open countryside and can be viewed from the east. The applicant however argues that the landowner of the field may not maintain the hedgerow and that it would be better secured by means of a condition. Given the small area of hedgerow affected, approximately 40 metres, and the fact that this site is not very visually prominent officers recommend that as an exception to the general guidance on hedgerow maintenance it could be agreed that the proposed new hedge is planted and maintained within the residential curtilage with a condition imposed that the hedgerow be retained. This approach has been agreed by the Biodiversity officer. A construction method statement, nesting bird protection and biodiversity enhancements can all be secured by condition.

5.6 Drainage

It is proposed that all foul drainage will connect into the mains drain that runs down Spout Hill. Dwr Cymru - Welsh Water has no objection to this. The surface water will drain into soakaways in the adjoining field. The current landowner has control over the adjacent field and there is sufficient land available to provide adequate soakaway. The exact dimensions of the soak away required will be determined through a Building Regulations submission. It is not necessary to secure these details prior to the determination of the application, as there is sufficient scope within the field for such soakaways. The surface water from the site will not enter into the existing drainage system.

5.7 Impact on adjoining properties

The main residential property to be affected by this proposal is The Gables immediately to the west of the site. This was one of four properties granted planning permission on the site of a former garage in the 1990s. The main orientation of The Gables is north - south with the principal windows being on the front and rear elevations. The Gables does have a door and three windows on the side elevation facing into the site, but these do not appear to be principal windows. The first and second floor windows may serve landings and the ground floor window can be protected from loss of privacy by the erection of a 1.8 metre high timber fence along the common boundary, which can be secured by condition. From the inside of the house there will be only very limited views of the proposed development. At present there is a timber retaining structure along the western boundary of the site and this increases in height towards the northern edge of the site. There is partial hedgerow along this boundary within the curtilage of The Gables. It is proposed that a condition be imposed that a 1.8 metre fence be erected on the inside boundary of plot no. 1. The Gables is set at a slightly higher level than the proposed property on plot 1 and this will help to further reduce the impact.

Other properties to the south of the site including Thistledown Barn, Archways and properties on Clearview Court are set at an elevated position above the development site but will be able to see the development. The proposal will be such a distance away so as not to have a significant adverse impact sufficient to justify refusal of the application.

5.8 Other issues Raised

Most of the issues raised in the Community Council response and neighbour objections have been addressed above. The cumulative impact of this and the two adjoining residential allocations was carefully considered at the LDP and considered to be satisfactory. The basic principle of five new residential properties, three of which are affordable units, has already been established. Details of waste water drainage have been provided as part of the application and have been addressed above. There is approximately one metre between the boundary of The Gables and the side elevation of plot 1; the foundations will be carefully dug to ensure no undermining of the retaining structure, but that is a matter for the developer not a planning consideration.

5.9 Response to the Representations of the Community Council

This site was considered as part of the Local Development Plan Process; it has been identified as a suitable site for around five dwellings. The proposed development complies with the adopted development plan. The size of the plots of the market housing is in line with the size of the plots on the adjoining site and the overall design is in keeping with the prevailing street scene. The three affordable units proposed are by definition smaller. The type of affordable housing is governed by the type of demand in the area. In the Shirenewton area it has been identified that there is a need for smaller one and two bed units. This mix is what the Council has requested and the applicants have responded to this request. The two accesses have been carefully positioned in order to comply with highway safety standards. The Biodiversity Officer has no objection to the realignment of the existing hedge to accommodate the visibility splay. There are three allocated housing sites in this area, and the cumulative impact of the traffic generated from these three sites has been carefully considered at the LDP stage and the Highway Engineers have no objection to the proposal as a result of the increase in traffic. The fact that the visibility splay is outside the Village Development Boundary is not a justification for refusal; this is a situation repeated many times throughout the County.

6.0 RECOMMENDATION: Approve subject to a 106 agreement that the three affordable housing units be transferred to a registered housing provider.

Conditions/Reasons

5 years in which to commence development

Development shall be carried out in accordance with the approved plans listed.

Foul and surface water shall be drained separately; no surface water shall drain onto the highway or into the highway drainage system.

Construction Management Plan

Biodiversity Enhancements

Nesting Bird protection

Before Plot 1 is occupied, a 1.8 metre high close boarded timber fence shall be erected subject to details to be submitted and approved by the LPA before works commence along the western boundary.

Informative:

1. The developer is advised to contact the Council's Highways Department who has advised that no development should commence until the applicant has submitted an application to the Highway Authority, pursuant to Section 184 of the Highways Act 1980, for the provision of the two access points and footway within the existing public highway.

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DC/2015/00895

EXTENSION OF PARKING AREA AND CREATION OF OVERFLOW PARKING AREA FOR HUMBLE BY NATURE FARM VISITOR ATTRACTION

HUMBLE BY NATURE, UPPER MEEND FARM, LYDART, MONMOUTH

RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 25/09/2015

1.0 APPLICATION DETAILS

1.1 The application seeks retrospective planning consent for the extension of the parking area to the south of the existing agricultural buildings and also the creation of an overflow car park area to the north-east of the agricultural buildings, adjacent to the rural road. The parking areas are outlined on the submitted plans. Area one is an extension of the existing arrangement that has been laid with stone chippings and is enclosed by a post and rail timber fence. Area two has not be utilised for parking to date, and is proposed to be utilised for additional overflow car parking during busy periods. It would have a stone track measuring 3m wide for access to the area and it would remain as a grassed area which would be enclosed with a post and rail fence.

2.0 RELEVANT PLANNING HISTORY

DC/2015/00429 Erection of adventure playground in farm field currently used for small animal paddocks for farm visitors Approved July 2015

DC/2014/00606 Creation of a new field gate into an orchard field from the no-through road known locally as The Craig. Approved August 2014

DC/2014/00605 Agrovutural Notification Two agricultural storage sheds Acceptable June 2014

DC/2013/00995 Change of use of scrubby corner of an agricultural field into a temporary camping area with accommodation for 2 people in shepherds hut and 'lamp hut' Approved February 2014

DC/2013/00657 Agricultural Notification for A passive solar greenhouse Acceptable August 2013

DC/2012/00819 Change of use of existing redundant agricultural buildings into a rural skills and education centre. Approved January 2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 Rural Enterprise

S13 Landscape, Green Infrastructure and the Natural Environment

Development Management Policies

- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- RE3 Agricultural diversification
- RE6 Provision of Recreation, Tourism and Leisure Facilities in the Open Countryside
- LC1 New Built Development in the Open Countryside
- LC4 Wye Valley AONB

4.0 REPRESENTATIONS

4.1 Consultations Replies

Trellech United Community Council – recommended approval but proposed fencing for Area 1 is unnecessary.

AONB Officer - I have no formal comment as I do not believe the application will have a significant detrimental impact on the AONB nor conflict with the AONB Management Plan 2009-14 Strategic Objectives WV-D2, WV-D3 and WV-D4. Therefore I agree with your proposed recommendation.

4.2 Neighbour Notification

No response received.

5.0 EVALUATION

5.1 Visual impact

- 5.1.2 The additional parking areas are minor, subservient elements that would complement the existing agricultural diversification of the farm unit which was previously approved under DC/2012/00891 for a rural skills and education centre. The car parking areas are relatively informal and appropriate for the rural setting. Area one (as outlined on the plans) is an extension of the existing parking area and is adjacent to the existing farm track access to the farm. The area is laid with stone chippings and is enclosed with a post and rail fence. Its visual impact is acceptable. Area two is a more informal overflow car parking area and would be a grassed area apart from a 3 m wide stone access track and also be enclosed with a post and rail fence. The visual impact of area two would be limited given that it would be viewed to be an agricultural field when not in use. The proposed car parking areas would have a minimal visual impact and the development would not harm the rural character and appearance of the area. They are informal in character and situated in close proximity to the rural skills and education centre, with which they are viewed in context and appear as an ancillary element of the overall site. The development does not have a detrimental impact on the character and appearance of the landscape and does not harm the natural beauty of the Wye Valley Area of Outstanding Natural Beauty

(AONB) in accordance with Policies S13, S17, DES1 and LC4 of the Local Development Plan (LDP).

5.3 Residential amenity

5.3.1 The site is relatively isolated in the open countryside and the development would not have an unacceptable impact on any other party's privacy or private amenity space. The development would be in accordance with Policy EP1 of the LDP which protects the amenity of neighbouring properties and environment. There have been no objections to the proposals.

5.4 Response to comments from Trellech Community Council

5.4.1 The fencing for area one is erected on site and is considered to be acceptable for the site and outlines the area for parking clearly to users of the site. The plan does show a fence to enclose the whole area although it would only run along the field to create a boundary between the parking area and the adjacent agricultural field. The applicant could also construct agricultural fencing without the need for planning consent as long as it forms a means of enclosure (which in this case the fencing does). The main consideration within this application is the use of the land, which is considered to be acceptable as outlined in section 5.1.

5.5 Conclusion

The small scale informal car parking areas are ancillary elements of the existing agricultural diversification of the farm that would be utilised infrequently during busy visitor times only. The visual impact of these car parking areas is limited given their informal character and they would be appropriate for the rural setting. The development does not harm the natural beauty of the rural landscape which lies within the AONB. The development would be in accordance with the relevant policies in the adopted LDP.

6.0 RECOMMENDATION: APPROVE

Conditions

1. Standard 5 years in which to commence development.
2. The development shall be carried out in accordance with the hereby approved plans.

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