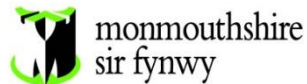


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**Neuadd y Cyngor
Y Rhadyr
Brynbuga
NP15 1GA**

**County Hall
Rhadyr
Usk
NP15 1GA**

Tuesday, 22 December 2015

Notice of meeting:

Planning Committee

**Tuesday, 5th January, 2016 at 2.00 pm,
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA**

AGENDA

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2.	Declarations of Interest	
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4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached)	
4.1.	DC/2014/01065 DEMOLITION OF BUNGALOW, PARTIAL DEMOLITION OF EXISTING POULTRY UNITS, AND PROPOSED RETAIL / COMMERCIAL DEVELOPMENT TO PROVIDE 4 UNITS, ACCESS ARRANGEMENTS, CAR PARKING AND ASSOCIATED WORKS	7 - 20
4.2.	DC/2015/00931 ERECTION OF THREE DWELLINGS AND FORMATION OF NEW ACCESS LOWER HARDWICK, HARDWICK HILL, CHEPSTOW, NP16 5PT	21 - 28
4.3.	DC/2015/00970 PROPOSED DEMOLITION OF DETACHED BUILDINGS, CONVERSION OF HOTEL BEDROOM ANNEXE INTO 7 NO RESIDENTIAL UNITS, ERECTION OF 3 LINKED DWELLINGS WITH CAR PARKING AND ALTERED SITE ACCESS	29 - 40
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Paul Matthews

Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards
P. Clarke
D. Blakebrough
D. Dovey
D. Edwards
D. Evans
R. Harris
B. Hayward
J. Higginson
P. Murphy
M. Powell
B. Strong
F. Taylor
P. Watts
A. Webb
A. Wintle

Public Information

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

Access to paper copies of agendas and reports

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

Watch this meeting online

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

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

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

People Are Confident, Capable and Involved

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

Our County Thrives

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

Our priorities

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

Our Values

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

The Monmouthshire Local Development Plan contains over-arching policies on development and design which may relate to applications being considered by Committee but will not be rehearsed in full in each application. The full text is set out for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties.

Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

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

Policy DES1 – General Design Considerations

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

- a) ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) respect built and natural views and panoramas where they include historical features and / or attractive or distinctive built environment or landscape;
- f) use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;

- g) incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) foster inclusive design;
- l) ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

- (i) To observe the National Code of Local Government Conduct.
- (ii) Not to introduce information that is not:
 - consistent with the written representations of their council, or
 - part of an application, or
 - contained in the planning report or file.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public can appoint representatives to speak on their behalf. Where no agreement is reached the right to speak shall fall to the first person / organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply. Speaking will be limited to applications where letters of objection / support or signatures on a petition have been submitted to the Council from 5 or more separate households / organisations (other than community/town councils). The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community / town council address committee. Public speaking will normally only be permitted on one occasion when applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception.

Registering Requests to Speak

To register a request to speak objectors / supporters must first have made written representations on the application. They must include in their representation your request to speak or subsequently register it with the Council.

Officers will endeavour to keep applicants or agents and objectors informed of progress on an application, however, it is the responsibility of those wishing to speak to check whether the application is to be considered by Planning Committee by contacting the Planning Office. They

will be able to provide details of the likely date on which the application will be heard and the procedure for registering the request to speak.

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

Speakers must do this as soon as possible, between 12 noon on the Wednesday and 12 noon on the Monday before the Committee. Please leave a daytime telephone number.

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

Procedure at the Planning Committee Meeting

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

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

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

Content of the Speeches

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

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

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

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

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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st
December, 2015 at 2.00 pm

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

County Councillors: D. Blakebrough, D. Dovey, D. Evans, R. Harris,
B. Hayward, J. Higginson, P. Murphy, M. Powell, B. Strong,
F. Taylor, A. Webb and A. Wintle

OFFICERS IN ATTENDANCE:

Philip Thomas	Development Services Manager
Paula Clarke	Planning Applications and Enforcement Manager
Robert Tranter	Head of Legal Services & Temporary Monitoring Officer
Mark Hand	Head of Planning
Shirley Wiggam	Senior Strategy & Policy Officer
Sarah King	Senior Democratic Services Officer

APOLOGIES:

Councillors D. Edwards and P. Watts

1. Declarations of Interest

County Councillors P. Clarke, D. Evans, A. Webb and A. Wintle declared personal and prejudicial interests in relation to application DC/2015/00688, as members of Monmouthshire Housing Association. County Councillors Clarke, Evans, Webb and Wintle left the meeting during consideration of this item.

2. To confirm for accuracy the minutes of the previous meeting

The Chairman confirmed and signed the minutes of the Planning Committee meeting held on 3rd December 2015, subject to the following amendment:

Present: Addition: County Councillors R. Edwards and P. Clarke.

The Head of Planning clarified concerns that were expressed, as a result of public speaking at the previous meeting. Members had expressed concerns that there had been a request to speak, but this had not been allowed.

We were informed that Public Speaking emails had been received for the previous meeting, however, one request was received after the deadline and there had been an oversight with another, despite requests being submitted to speak. Sincere apologies were submitted on behalf of officers, the system and protocol for public speaking register had been amended.

The Committee were reassured and thanked officers for clarification.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st
December, 2015 at 2.00 pm**

3. To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached)

3.1. DC/2015/00606 RESIDENTIAL DEVELOPMENT OF ALLOCATION SITE SAH11 (XII) TO PROVIDE 10 DWELLINGS (INCLUDING 60% AFFORDABLE) LAND TO THE SOUTH WEST OF PENALLT, MONMOUTH, NP25 4SB

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

- Don't believe latest amendments reflect views of people at Green Pastures
- Road down to village is already narrow and a ditch either side would be a major hazard
- Turning of the house now overlooks The Hollies and not Stone Barn, but it is an equally intrusive problem
- Site density is unprecedented, even with changes don't believe that design meets local vernacular it is more of a pastiche
- Issue with drainage is untrue, raw slurry from White House Farm was discharging into culvert in 1990, nothing done to eliminate surface water run off
- Danger that water supply is contaminated with water arrangements, MCC must have changed mind on pollution issues.

Mr P. Thornton, agent to the applicant, attending the meeting by invitation of the chairman outlined the following points:

- Allocated in local plan for 10 houses, with significant proportion of affordable housing. Long process, initially began autumn 2014, met officers in January 2015. Very significant amendments to account for local authority comments. Planning application submitted May 2015 and continuous collaborative process with various parties
- Numerous changes to drawings, high quality proposal, which meets demand.
- Shared access road for all dwellings. Layout supported by SEREN housing group, social inclusion and practical.
- Style fits with local area, highways drainage has been established with local authority and will provide betterment to highways system locally. Any perceived issues can be dealt with by glazing solution.
- Also proposed native planting around the site, which will integrate the whole site. Will have specialist designers, overall will be high quality design which will meet local needs.

In considering the application, the committee highlighted several issues, such as; drainage, design of site for rural area, availability of open space.

In response, the Head of Planning clarified that some amendments suggested by Members would require a new application and affordable housing requirements would be within the policy.

The policy included 60/40 affordable housing, some members recognised the need for affordable housing, however, some members felt that there were too many properties in the development for the area.

The local member had raised concerns, officers advised that aspects such as parking would need a re-design of the layout which could not be done via an amendment to the current application. A change to the open space arrangements could be made if Members considered this to be necessary, but this was not pursued further.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st December, 2015 at 2.00 pm

We agreed that, once completed, the site should be included on the annual tour.

It was proposed by County Councillor R. Higginson and seconded by Councillor R. Harris that application DC/2015/00606 be approved subject to the conditions as outlined within the report.

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

For approval	-	12
Against Approval	-	2
Abstentions	-	0

We resolved that application DC/20115/00606 be approved subject to the conditions as outlined in the report.

3.2. DC/2015/00086 PANELS TO BE FIXED TO EXTERNAL WALLS OF BUILDINGS AT FOUR LOCATIONS WITHIN THE CENTRE OF MONMOUTH PANELS LOCATED AT: PANEL 1 - 1 CHURCH STREET; PANEL 2 - BEAUFORT ARMS COURT; PANEL 3 - 84-86 MONNOW STREET; PANEL 4 - TOILET BLOCK ADJACENT TO MONNOW BRIDGE FACING THE CATTLE MARKET, MONMOUTH

Mr D. Cummings, supporting the application, attending the meeting by invitation of the Chairman and outlined the following points:

- Wholeheartedly supported application and justified why application was retrospective.
- Significant consultation had been held by Monmouth Chamber of Commerce and money had to be spent by end of 2014.
- Not aware of need for planning consent until early 2015.
- 3 panels had been installed and one would be moved.
- Monmouth Chamber of Commerce considered the application as a business development opportunity.

We recognised the importance of the application in relation to promoting tourism.

In response to a query regarding a misprint, we were advised that paragraphs 5.31 and 5.32 highlighted views of highways and planning officers respectively.

It was proposed by Councillor A. Wintle and seconded by Councillor R. Hayward that application DC/2015/00086 be approved subject to conditions outlined in the report.

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

For approval	-	14
Against Approval	-	0
Abstentions	-	0

We resolved that application DC/2015/00086 be approved subject to conditions outlined in the report.

3.3. DC/2015/00688 RESIDENTIAL DEVELOPMENT TO PROVIDE 5 DWELLINGS

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st
December, 2015 at 2.00 pm**

**(INCLUDING 60% AFFORDABLE HOUSING) AND ASSOCIATED WORKS AND
THE PROVISION OF A NEW VEHICULAR ACCESS LAND AT SHIRENEWTON
(LDP ALLOCATION SITE SAH11 xiv) b))**

County Councillors P. Clarke, D. Evans, A. Webb and A. Wintle declared personal and prejudicial interests due to association with Monmouthshire Housing Association. County Councillors Clarke, Evans, Webb and Wintle left the meeting during consideration of this item.

The local member addressed the committee and advised that letter from MHA had been received which outlined concerns. It was suggested that in order to remain socially inclusive the development had one entrance, for market and social housing (not separate).

The committee recognised that other developments had been completed with one integrated entrance. However, we were informed that changing entrances would cause redesign or highways safety issues and all sites were individual.

It was proposed by County Councillor R. Hayward and duly seconded by County Councillor D. Blakebrough, that application DC/2015/00688 be refused on the basis of 1 access to be provided.

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

For refusal	-	3
Against refusal	-	7
Abstentions	-	0

The proposal was defeated. It was proposed by County Councillor R. Harris and seconded by County Councillor R. Higginson that application DC/2015/00688 be approved subject to conditions outlined within the report.

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

For approval	-	7
Against Approval	-	3
Abstentions	-	0

We resolved that application DC/2015/00688 be approved subject to conditions outlined within the report.

**3.4. DC/2015/00973 TEMPORARY CHANGE OF USE OF THE LAND KNOWN AS
CASTLE MEADOWS, ABERGAVENNY FROM AMENITY/AGRICULTURAL
GRAZING TO OUTDOOR LEISURE AS A VENUE TO HOST THE 2016
NATIONAL EISTEDDFOD; CASTLE MEADOWS, ABERGAVENNY**

The committee received the planning officer's report on the application and heard the officer's presentation.

It was proposed by County Councillor M. Powell and seconded by County Councillor R. Harris that application DC/2015/00973 be approved subject to the conditions, as outlined in the report.

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

MONMOUTHSHIRE COUNTY COUNCIL

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For approval	-	14
Against Approval	-	0
Abstentions	-	0

We resolved that application DC/2015/00973 be approved subject to the conditions, as outlined in the report.

3.5. DC/2015/01106 BUILDING PLOT FOR ONE DWELLING CHURCH FARM, CHURCH ROAD, CALDICOT

The committee received the planning officer's report on the application and heard the officer's presentation.

It was proposed by County Councillor R. Higginson and seconded by County Councillor D. Evans that application DC/2015/01106 be approved subject to conditions as outlined in the report.

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

For approval	-	13
Against Approval	-	1
Abstentions	-	0

We resolved that application DC/2015/01106 be approved subject to the conditions outlined in the report.

3.6. DC/2015/01321 NEW AGRICULTURAL SHED TO HOUSE ANIMALS AND FOR GENERAL FARM USE HUMBLE BY NATURE, UPPER MEEND FARM, LYDART, MONMOUTH

The committee received the planning officer's report on the application and heard the officer's presentation.

It was proposed by County Councillor D. Blakebrough and seconded by County Councillor R. Hayward that application DC/2015/01321 be approved subject to conditions as outlined in the report.

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

For approval	-	14
Against Approval	-	0
Abstentions	-	0

We resolved that application DC/2015/01321 be approved subject to the conditions as outlined in the report.

Members commented that as an agricultural building, some form of daylight would be required inside the building. It was agreed that officers would give the applicant an opportunity to incorporate this into the design before issuing the decision.

4. FOR INFORMATION The Planning Inspectorate - Appeal Decisions Received

4.1. DC/2013/00862 - 34 Pen y Pound

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st
December, 2015 at 2.00 pm**

We received the Planning Inspectorate report which related to appeal decision following site visit on 29/01/15, site 34 Pen y Pound, Abergavenny, Monmouthshire, NP7 7RN.

The appeal had been dismissed.

The meeting ended at 3.40 pm

DC/2014/01065

DEMOLITION OF BUNGALOW, PARTIAL DEMOLITION OF EXISTING POULTRY UNITS, AND PROPOSED RETAIL / COMMERCIAL DEVELOPMENT TO PROVIDE 4 UNITS, ACCESS ARRANGEMENTS, CAR PARKING AND ASSOCIATED WORKS

LAND AT ROCKFIELD ROAD, MONMOUTH

RECOMMENDATION: APPROVE

Case Officer: Jo Draper

Date Registered: 17th July 2015

1.0 APPLICATION DETAILS

- 1.1 The application site sits outside the development boundary of Monmouth in an area allocated in the Local Development Plan as being of Amenity Importance. It lies on the eastern side of the B4233 Rockfield Road; on the opposite (south western) side of the road is a large residential area which is a mix of post war and more modern dwellings. The existing use of the site is a bungalow with two poultry sheds. There is an extant planning permission for the construction of two dwellings on site and conversion of the existing poultry units to office use.
- 1.2 The eastern boundary runs adjacent to the caravan park, and the northern boundary has two poultry sheds which project into the development by about 25m. The boundary to Rockfield Road has some protected mature trees co-joining a similar group in the southern corner adjacent to a small road island which serves Watery Lane off Rockfield Road. The site measures approximately 65m from east to west and 101m from north to south. The land rises up slightly from south to north. The application site lies entirely within a C2 flood zone. A Flood Consequences Assessment has been submitted with this application.
- 1.3 This application is for a retail/commercial development of four units comprising of Unit 1 that measures 4000sq.ft. (372 sq. m) gross to be occupied as a standalone Co-operative food store, together with a separate building made up of two units, each of 1,500sq.ft. (139 sq. m) gross, and one unit of 1,150sq.ft (107 sq. m) gross area. Consent for Class A1, A2 and A3 is sought on the three smaller units. It is proposed to demolish the existing bungalow and front bay of the poultry shed to accommodate the retail units. The units are set back in the plot, situated 28m and 40m at the closest point from the road frontage and residential properties respectively.
- 1.4 The site is a relatively flat area with two access points from Rockfield Road; one is a formal road with the other a relatively new access road that has been undertaken in accordance with the planning permission for the two houses and office conversion. Both the houses and office conversion were allowed separately at planning appeal but not constructed or converted, although this permission is extant due to the construction of the access and roadway into the site. It is proposed to close the access to the south and re-position the access closer to the north point to serve the newly proposed development. The poultry sheds which are proposed to be rebuilt with the same gable frontage as existing would be separated at the rear from the application site by a 2.5m high acoustic fence.
- 1.5 The supporting information states that in terms of travel distance the site is a walkable distance for most occupiers of the Rockfield estate and the older housing estate to the south. It is some 890m from the furthest point of the Rockfield estate.

- 1.6 The supporting information submitted states the following:
- (i) The design and layout of the site has been derived to minimise impact on domestic neighbours, with its built form as close to the original poultry sheds as possible to mitigate any possible unacceptable adverse impact on the landscape and cultural heritage.
 - (ii) The frontage of the site and its direct relationship to the alignment of Rockfield Road favours a new commercial entrance located further north than existing to mitigate traffic interference between the old access and the roundabout, which serves Watery Lane.
 - (iii) The buildings are designed to reflect the form of the existing poultry sheds and therefore do not represent an alien rural form of development over what could normally be found in a semi-rural location. They are not of a scale that is any larger than typically occurs in agricultural buildings and are re-positioned to reflect the original poultry house positions.
 - (iv) The proposed car park accommodates 34 cars including 2 disabled spaces and a dedicated delivery bay for the Co-operative store building, a forecourt to the shops is accessed via a dedicated footpath within the site.
- 1.7 The design of the scheme comprises of two buildings. The proposed design of the buildings is simple, both feature a gabled front, the Co-operative store would have a larger gable that sits proud of the frontage with a traditional ridged roof. The second unit breaks up a simple hipped roof with a small gable feature over the smallest of the three units. External materials comprise a natural stone frontage to the gables, render (ivory/cream) to the other facing walls, facing brickwork (largely to the rear walls), dark grey colour coated aluminium fascia and rainwater goods and blue/black cement fibre slate roof tiles.
- 1.8 The landscaping of the site comprises the retention of all the protected trees within the site including those along the frontage. The proposed car park has been revised to set it back within the site facilitating the retention of existing trees and enabling further low level planting to be introduced along the frontage.
- 1.9 A supporting letter has been submitted by the Co-operative that confirms its interest in a 400sqft convenience store on this site (to provide a comparison of scale the proposed floor space figure for this scheme is 372sqm, while the existing Co-operative store in Monmouth is 1656.9 sq. m). It is stated that the site meets the requirements of the company and its opening will not impact the existing premises already in Monmouth. The Co-operative have been looking for an additional store in Monmouth particularly in the Rockfield Estate for some time. It is identified that the area is currently not provided for in terms of top up shopping with alternative sites such as Watery Lane/Chartist Road previously rejected because of the unsuitability in relation to the lack of prominence and overall site inefficiencies. The applicants have pointed to a fall-back position with regard to the existence of the implemented planning permission for office and residential development, which are key material considerations that over-ride the designations of the site within the adopted Local Development Plan. The application states that the proposed development would create a significant number of local jobs, approximately 39 in total (both full and part time).

2.0 RELEVANT PLANNING HISTORY

DC/2004/00801 (M10307) Change of use Of 2 no poultry units to office use including retention of existing dwelling house
Refused 13.12.2005

Appeal allowed 23.08.06

DC/2007/01522 Proposed 2 dwellings.

Refused 9.01.08

Appeal allowed 28.05.08

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6: Retail Hierarchy

SD3: Flood Risk

S17: Place Making and Design

Development Management Policies

EP1: Amenity and Environmental Protection

NE1: Nature Conservation and Development

DES1: General Design Considerations

RET4: New Retail Proposals

Policy RET 4 is of particular relevance in the consideration of this application: "the preferred location for new retail and commercial leisure/entertainment developments...Will be in the designated Central Shopping Area (CSA. 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 demonstrable need exists for the proposed development*
- *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.*
- *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*
- *The proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres*
- *The proposal is in a location accessible to public transport facilities*
- *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.*

DES 2: Areas of Amenity Importance

LC1: New Built Development in the Open Countryside

LC5: Protection and Enhancement of Landscape Character

SD3: Flood Risk

4.0 REPRESENTATIONS

4.1 Consultations Replies

Monmouth Town Council: Approve

Welsh Water: No objection subject to conditions that require details regarding the following:

- Foul and surface water to drain separately from the site

- No surface water to connect directly or indirectly to the public sewerage system
- Land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system
- No part of the building will be permitted within 3 metres either side of the centreline of the public sewer
- No development to commence until a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage shall be dealt with has been approved by the Local Planning Authority

MCC Highways: no objection to proposal

MCC Landscape Officer: This development will have a significant impact on the streetscene - the revised layout provides adequate space for an improved boundary treatment (landscaped).

Natural Resources Wales: No objection to the proposal subject to ecological conditions relating to mitigation measures and licence provision for the European Protected Species. Flooding: Reference is made to the Geo-technical and Geo- environmental Desk Study Report and the proposal is considered to be acceptable subject to a condition requiring a surface water drainage scheme to be submitted and agreed.

MCC Biodiversity Officer: The proposed development has implications for a European Protected Species as the development requires removal of part of the chicken sheds and demolition of the bungalow, and therefore will directly affect some of the roosting areas. The remainder of the chicken sheds shall be retained and therefore can continue to be used by horseshoes and Myotis bats and the details of the methods and mitigation have been included in the submitted report. Lighting will be an important consideration for the continued use of the site by bats and other wildlife. Roosts will be destroyed during the works (non-breeding roosts for pipistrelle and long eared bats) and others modified, therefore the development will need to be subject to a licence from NRW before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. NRW confirmed in their letter dated 26/11/2015 that there will not be a detrimental effect to the favourable conservation status of the species concerned.

Subject to appropriate conditions relating to bats, bird nesting and reptiles being imposed the proposed development is acceptable.

MCC Tree Officer: No objection -The Arboriculture Method Statement (AMS) and Tree Survey Plan (dated 25th November 2015 and 18th November 2014 respectively) frame the conditions that relate to the planting, the layout has been revised to retain these trees.

4.2 Neighbour Notification

Six Letters have been received raising the following points:

1. First dangerous step in allowing development off Rockfield Road
2. Proposal will add to the congestion issues near an already busy roundabout
3. Proposal will spoil the look of the area (whilst the abandoned bungalow and poultry shed are not the most attractive to look at they are more in keeping with a rural area than a brand new convenience store)
4. Concern that this will lead to further residential development adjacent to the site
5. Proposal will be detrimental to the area which is open land and out of character with the area
6. Increase in traffic will cause more noise pollution

7. Reference to Human Rights Act Protocol 1 Article 1 (this states that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land ... and a person has the substantive right to respect for their family and private life)
8. The proposal will deprive neighbours of the open view of land currently occupied by a single dwellinghouse
9. Light pollution will impact on neighbour's quality of life
10. Development will adversely affect highway safety, what provisions are there for pedestrian access is there a designated crossing and where will this be sited
11. Noise and pollution from delivery vehicles
12. Aggravate existing on street car parking issues
13. Hours of opening may cause neighbour nuisance
14. The shop will be served by people that will still drive to access the shop
15. Loss of trees
16. Will impact upon the existing shops and small businesses in the area

4.3 Other Representations

James Williams – the Council's Independent Retail Assessor

The relevant report has been attached as an appendix to this report. The conclusions of the report are summarised in the evaluation below:

5.0 EVALUATION

The main issues that arises in the consideration of this application is the following:

Principle of new development on this site

Principle of a retail use at this site

Neighbour Impact

Visual Impact

Highways

Biodiversity

Flooding

5.1 Principle of new development on this site

5.1.1 As there is an extant planning permission that relates to this site for the development of two dwellings and conversion of the poultry units to office use, the principle of new development has been accepted on site. It is relevant to note that the Inspector who considered the appeal for the two dwellings on this site was of the view that whilst the site is designated as an area of amenity importance "*the proposed development would not adversely affect any of the matters identified in these policies...the erection of two dwellings on the site in the place of the existing single dwelling would be seen as part of the urban framework of Monmouth, and accord with the thrust of national and local policies that seek to maximise the use of brownfield land in sustainable locations*".

5.1.2 Given this decision and the extant planning permission the principle of new built form of development is acceptable on this site. The issue therefore relates to the intensity and scale of the current proposal in relation to the approved scheme that can be implemented on this site. In this case, whilst the proposal comprises of two buildings these are significantly larger than the dwellings that would otherwise be built on this site. However the proposed buildings have been set back from the highway frontage and must be viewed within the context of the adjacent uses that have been recently approved adjacent to the site. The proposal would be viewed against the poultry sheds to the rear, to the east there is a skate park that has been recently constructed

and a Council car park, yet to be constructed, has been approved further to the south-east. It is clear that the character of the area has changed significantly in recent years and the provision of a retail development of an appropriate scale and design, allied with comprehensive landscaping in this location would not detract from the visual and environmental amenity of the allocated area of amenity importance. Furthermore, the introduction of local shops in this location is more appropriate than other forms of development such as housing, having regards to criterion c) of LDP Policy DES 2 which requires the following to be taken into consideration, "*the role of the area as a venue for formal and informal sport, general recreation and as a community space*". The principle of this form of development in this location is acceptable in this case subject to appropriate design, scale, form, landscape, impact on ecology and compliance with the relevant retail policies, all of which are addressed below.

5.2 Principle of a Retail Use

5.2.1 The retail strategy as set out in Planning Policy Wales and the adopted LDP is to focus new retail development in existing centres (LDP Policy S6). In planning terms the application site is an out of centre retail location and is therefore inconsistent with this strategy.

LDP Policy RET4 states that the preferred location for new retail development is in the defined Central Shopping Areas (CSAs). Being outside the Monmouth CSA, the application proposal does not meet this requirement. However, Policy RET4 also sets out that where new retail development is outside the CSA it should meet specific requirements. The relevant requirements in this case relate to need, sequential approach and trade impact. This has been assessed by the Council's independent retail expert, the findings of which are summarised below:

5.2.2 Retail need: Drivers Jonas Deloitte concluded in the Local Development Plan representation relating to retail development of this site that there was no overall need for new convenience goods floor space in Monmouth as a whole, but there was a specific local need in the Rockfield estate area where shopping provision was limited. These findings remain valid today. This is reinforced by the recent development approved at Wonastow Road: 340 of the allocated 450 houses have been approved and work has commenced on implementing the access to this site. When the Drewen Farm site is developed, which accounts for the remainder of the houses to be built, there will be a direct footpath link from this housing estate across to Watery Lane that provides a direct access to this proposed shopping proposal.

5.2.3 It is confirmed that a significant number of Rockfield Estate residents would be within reasonable walking distance of the facility (Annexe A of Technical Advice Note 4 takes 200-300m as being within 'easy walking distance').

To conclude the retail development on the application site can only be justified in the context of it being a local facility to serve the needs of the Rockfield Road residents. The current proposal is significantly smaller than that which formed part of the LDP representations (that was 600sq.m gross). A store of 372sq.m, as currently proposed, is of an appropriate scale to function as a local facility and would provide for some of the day to day shopping requirements of the local residents.

5.2.4 Sequential Approach: As the proposal is addressing a local need specific to the Rockfield Estate, potential alternative sites that may exist within or on the edge of the town centre have not been examined.

- 5.2.5 The applicants have been signposted to the site located off Chartists Way in pre-application discussions with your planning officers. The applicants have addressed this site in their supporting information stating that this site was never taken up by a retailer although it was available for many years. The applicant questioned the deliverability of the site and maintains that it is unsuitable and unviable for the proposed retail elements of their proposals. The Co-operative dismissed this site “because of its unsuitability in terms of lack of prominence and overall site inefficiencies”. This site has been available for retail/community use for many years and has never been taken up. It has been subsequently dropped within the Local Development Plan. It is therefore logical to assume that this site is not viable for prospective retailers with the application site being a more promising and viable option.
- 5.2.6 Impact: The applicant recognises that the existing town centre convenience stores under-trade. The applicant’s stance is that the application proposal would primarily cater for the ‘top up’ shopping need. They maintain that the level of competition with the town centre site is likely to be insignificant. This is disputed by the Council’s retail expert, as the most likely previous destination of top up shopping for Rockfield Road residents who would use the new proposal is Monmouth Town Centre which, with the exception of the Spar in Overmonnow, are the closest shopping facilities to the application site and Rockfield Estate. The retail expert has undertaken a qualitative impact assessment and estimated that a trade diversion from the town centre of 8.3% would arise (a trade diversion of £2.12M from a turnover of £25.45M). A trade impact of 8.3% must be set against the town centre shops under-trading, although Waitrose and Marks and Spencer have distinctive brands and some degree of customer loyalty and the Co-op has indicated that their town centre store would remain unaffected. Whilst there is no guarantee that any of these stores will continue being represented within Monmouth Town centre, the retail expert considers it unlikely that a small new Co-op store outside the town centre would be a major factor in determining the business strategy of such companies in Monmouth.
- 5.2.7 This proposal is a significant reduction in the convenience store’s floor area compared to that proposed as part of the LDP process. This has ameliorated the impact on convenience goods spend. Nevertheless some adverse impact on convenience goods shopping in the town centre would arise. This needs to be balanced against the advantages of having new local facilities serving the Rockfield Estate.
- 5.2.8 It is concluded that any convenience goods floor space would be limited in relation to potential turnover compared with town centre convenience good turnover, (£0.54M compared with £33.31M). Hence even in the very unlikely case that the application proposal took all its convenience goods turnover from the town centre the quantitative impact would be less than 2%, although this is provided the three additional units are retained as small units (a condition would be required to ensure this is controlled). It is very unlikely that the convenience good floor space would compete significantly with the town centre in market terms.
- 5.2.9 It is necessary therefore to condition Unit 1 to be limited to 4000sq.ft of retail floor area (this prevents further floor area being created through a mezzanine for example). The use of Units 2, 3 and 4 is of interest as it could be argued that if they became occupied for the retail of convenience goods then cumulatively this development could undermine the vitality and viability of the town centre. However any retailer of convenience goods is unlikely to invest in a site where there is conflict with another larger user immediately adjacent; it is likely therefore that market forces alone will prevent this from happening. These three smaller units lend themselves to

being other uses namely hairdressers/barbers, hot food takeaways or another community facility. It is proposed therefore that the permission facilitates these units for A1, A2 and A3 use.

5.3 Neighbour Impact

5.3.1 The closest neighbouring properties are situated immediately opposite the site, but there is ample separating distance between the closest neighbouring properties and both the car park and the retail units. There would be no over-dominant effect or overlooking from the new development that would otherwise compromise the residential amenity of any of these neighbouring properties. With regard to noise disturbance, the main concern relates to traffic and delivery vehicles and general use of the car park during unsocial hours. As the previous use of the site was agricultural, any noise over and above that which what was generated by this previous use is likely to arise from any late night openings resulting in noise and disturbance during the twilight hours in the car park to the front of the site. This could have an adverse impact upon the residential amenity of the neighbouring properties and needs to be controlled by limits on opening hours. Likewise it is important to control very early deliveries to the site which again can be very noisy and have a significant impact upon neighbour amenity. With regard to lighting, this is to be subject to a planning condition to meet the requirements of both ecology and highways. This will be considered also in terms of light pollution and neighbours could be consulted upon this detail when the formal discharge of condition application is submitted.

5.4 Visual Impact

5.4.1 The proposal development will be clearly visible from the highway; it is therefore of importance that the development is visually acceptable and makes a positive contribution to the street scene. The existing site has fallen into considerable disrepair. The new buildings would be set back in the plot and sit comfortably within the site. The design is simple but has a clean contemporary feel with the combination of both modern and natural materials. The existing mature landscaping has been retained within the overall landscape scheme, which would be supplemented by low level planting and grassed areas. The visual impact of the proposal is acceptable and subject to appropriate conditions being imposed (protection of existing landscaping and implementation of approved new landscaping, control of boundary materials, finishing materials and surfacing materials) the proposed development represents a positive improvement to the existing site and does not adversely affect the visual and environmental amenity of the area.

5.5 Highways

5.5.1 Concern has been raised by neighbours regarding the proposed development and the potential exacerbation of an existing on-street car parking problem, and the increase to congestion, compromising the highway safety of the area. The layout plan has been subject to modifications to comply with highway requirements. The Council's Highway Engineer is now satisfied that the proposed development is acceptable. There is no highway objection to this scheme and the proposal provides a safe access with adequate on-site parking so as not to exacerbate the existing on street parking issues in the area.

5.6 Biodiversity/ Ecology

5.6.1 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. The County Council as the 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 long eared bat, horseshoe bats, whiskered/Brandt's bat and common pipistrelle and soprano pipistrelle bats – all 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 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. To facilitate a suitable form of development it is necessary that part of the existing poultry sheds are demolished, the proposed development would be unacceptable without the space created by the partial demolition of these buildings.

- (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 by a favourable conservation status in their natural range.

Both Natural Resources Wales and MCC Ecology have looked at this proposal to ensure that the proposed mitigation is acceptable. 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 Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that conditions are imposed to ensure:

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

5.7 Flooding

The whole of the site is located within Flood Zone C2. LDP Policy SD3 relating to Flood Risk is therefore of importance. The proposed development is considered to be a form of less vulnerable development, but nevertheless the proposal will need to demonstrate that it satisfies the requirements set out in TAN15. A Flood Consequences Assessment and further supplementary information has been submitted and NRW has recommended approval subject to conditions relating to surface water drainage. The proposal satisfies any flooding concerns and complies with planning policy in this case.

RECOMMENDATION: APPROVE

Conditions:

1. Time Condition (five years in which to commence development)
2. Plans condition (adherence with specified plans)
3. Prevention of amalgamation so that three units do not become one or two larger units.
4. No mezzanine floors shall be inserted into any of the buildings, hereby approved.
5. Submission of external materials including surfacing materials for approval by the Local Planning Authority.
6. Finishing details of the boundary materials to be submitted.
7. Landscape/ implementation condition.
8. Restriction of hours of opening and deliveries to between the hours of 07.00h to 22.30h
9. Unit 1 shall be A1 use only.
10. No removal of hedgerows, trees or shrubs *or works to or demolition of buildings or structures that may be used by breeding birds* shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
11. The hereby permitted works shall not in any circumstances commence until the local planning authority has been provided with 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.
12. The hereby permitted works shall be completed in strict accordance with Section 6.0 Recommendations of the submitted David Clements Ecology LTD Land on Rockfield Road, Rockfield Road, Monmouth. Ecological Assessment, Bat and Reptile survey.
13. Prior to development commencing on site a lighting design strategy shall be submitted to the Local Planning authority for approval in writing. The strategy shall include a detailed plan and specify: lighting type, specification, direction, height and lighting levels in lux/UV. This strategy and plan shall have regard for the use of the site by foraging / commuting and roosting bats and maintain dark corridors / roosting areas. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and plan, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
14. Foul and surface water to drain separately from the site
15. No surface water to connect directly or indirectly to the public sewerage system
16. Land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system
17. No part of the building with be permitted within 3 metres either side of the centreline of the public sewer
18. No development to commence until a scheme for the comprehensive and integrated drainage of the site showing how foul water , surface water and land drainage shall be dealt with has been approved by the Local Planning Authority
19. Prior to work commencing on the site, including ground clearance, demolition etc. all retained trees as shown on the Tree Protection Plan drawing no. 286/2014/.91 will be protected with rigid immovable fencing. Temporary adjustment of the fencing for access purposes etc. may only be carried out with the written permission of the local planning authority. Protective fencing will also be installed in accordance with the guidelines laid down in BS5837:2012 Trees in relation to Design, Demolition and

Construction Recommendations around the retained Whitebeam tree as shown on the revised layout drawing no. SP317-PO1 Rev K.

20. Construction of the car parking where it conflicts with the root protection areas of retained trees shall be carried out using a "No Dig" technique in accordance with the Arboricultural Method Statement dated 25th November 2014.
21. No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for –
 - 1) Supervision and monitoring of the approved Tree Protection Plan;
 - 2) Supervision and monitoring of the approved tree felling and pruning works;
 - 3) Supervision of the alteration or temporary removal of any Barrier Fencing;
 - 4) Oversee working within any Root Protection Area;
 - 5) Reporting to the Local Planning Authority;
 - 6) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

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6 July 2015

Ms Jo Draper - Development and Building Control Team
Monmouthshire County Council
Planning Section
County Hall
Rhadyr
Usk
NP15 1GA

Dear Jo

Proposed Retail and Commercial Development comprising four units at Rockfield Road, Monmouth Planning Application DC/2014/01065

You have asked us to provide in letter-form our comments made, following your email of 6 May.

Is there a need for a new local/neighbourhood centre in this area? Is the proposed site acceptable under 'sequential approach' requirements?

1. The application proposal is 'out of centre' and therefore *prima facie* is inconsistent with LDP Policies S6 and RET4. However, the need / justification for local / neighbourhood shopping facilities to serve the Rockfield Estate has previously been recognised by the Council through identification of a site for local retail and community facilities at Chartist Rise. This site was never been brought forward, for reasons that I am not fully aware of, and the allocation no longer features in the current approved Local Development Plan.
2. Despite the difficulties of the Chartist Rise site, we have presumed that the Council is not resiling from its position that there is a justification for local retail and community facilities in this area. The justification for local facilities on this side of the town must be strengthened by the more recent allocation of 450 houses plus employment uses at Wonastow Road (Policy SAH4). However, although the application site is reasonably located in relation to much of the existing residential development within the Rockfield Estate / Over Monnow area, it is not well located in relation to the proposed new housing areas to the west (SAH4).
3. Monmouth contains three outlying residential areas at Wonastow / Over Monnow, Osbaston, and Wyesham. We are not aware of their actual populations, but Wonastow / Over Monnow appears to be the largest of these areas, and of scale sufficient to justify the provision of local/neighbourhood facilities. If this 'need' is accepted (as the Council has done in the past) and there is no better site that can be identified in the Wonastow / Over Monnow area, this in itself answers sequential approach requirements.

Is the Proposal of an Appropriate Scale?

4. We stated in our letter / report of 14 November 2014 that we believed that a store of 372 sq.m gross was of an appropriate scale for a local facility as proposed.
5. You have raised the question of the appropriate scale and content of the development in relation to the proposed additional small units. As far as LDP policy is concerned the issue of appropriate scale of centres is not particularly clear. LDP Policy S6 'Retail Hierarchy' appears to be somewhat inconsistent in its classification of 'Local Centres' and 'Neighbourhood Centres/Shops'. As I recall, Hillcrest Road, Rather Avenue, and The Mardy in Abergavenny each consist of one shop only, but are classified as 'Local Centres'; whereas the larger centre at Bulwark containing a multiple foodstore and small units has the lower order classification of 'Neighbourhood Centre/Shops'.
6. We believe it unlikely that there would be much market demand for A1 retail uses in the small units, particularly as products such as newspapers, magazines, confectionery and soft drinks would be available from the foodstore. A chemist or florist seems unlikely. The most likely occupants are services such as hot food takeaway and ladies hairstylist. Furthermore, there is some merit in these facilities being provided locally, particularly hot food takeaways.
7. We appreciate your concerns in respect of additional food retail. It may be that the amount of convenience retail should be subject of condition, perhaps restricting it to the floorspace of the large unit only, so as to ensure that the small units are not subsumed into the retail area of the foodstore and remain occupied separately for services / community facilities.

Please speak with me if there are any points that you would like to discuss arising from this letter.

Yours sincerely

James Williams
JWPlanning

DC/2015/00931

ERECTION OF THREE DWELLINGS AND FORMATION OF NEW ACCESS

LOWER HARDWICK, HARDWICK HILL, CHEPSTOW, NP16 5PT

RECOMMENDATION: APPROVE

Case Officer: David Wong

Date Registered: 28/10/2015

1.0 APPLICATION DETAILS

- 1.1 Lower Hardwick is a Grade II listed building sited in spacious grounds (it has group value with the listed Ashfield House opposite) and is located within the Chepstow Conservation Area. It was built in the early part of the 19th Century and was part of the Mount Pleasant development following the creation of a new road agreed by the Chepstow Turnpike Trustees in 1808. Lower Hardwick is located on a steep hill, fronting the main road, Hardwick Hill, adjoining Newport Road which is part of the A48. The whole property is an 'island' site backed by Hardwick Hill Lane and Steep Street.
- 1.2 In 2012, planning applications were approved for the conversion (with extension) of an existing outbuilding into an apartment and the erection of three terrace dwellings within the garden curtilage of Lower Hardwick. The grounds have been sold and subdivided to create a boundary to the land being proposed for development. This application is a revised scheme to the three dwellings permission (DC/2011/00506). The proposal now comprises a pair of semi-detached properties and a detached property instead of a terrace of three residential units. As part of the application, two new garaging structures and a new access is proposed. It noteworthy that the two trees subject to a Tree Preservation order (TPO), a Monkey Puzzle and a large Spruce, will be retained as a result.
- 1.3 The proposed dwellings would be three storeys high and the attic space would be utilised as living accommodation (8.8m high for the detached and 9.5m high for the semi-detached). Due to the topography of the site, the lower ground floor of these dwellings would be set into the ground. In effect, the proposal would be seen as two storeys high from the main access points. In addition, the sectional drawing demonstrates that the heights of the proposed dwellings will be lower than Lower Hardwick. In terms of vehicular access, two dwellings will utilise the previously approved access point to the north-east of the site and the remaining unit is proposed to be served by the new access, which will be formed on Hardwick Hill Lane.

2.0 RELEVANT PLANNING HISTORY

DC/2014/01485	Retention and completion of boundary wall.	Approved	28/08/2015
DC/2014/00251	Revised scheme to that approved by DC/2011/00505 to provide a new apartment with associated works.	Approved	24/09/2014

DC/2011/00506	Three new dwellings with associated works	Approved	03/10/2012
DC/2011/00505	One new apartment with associated works.	Approved	13/03/2013
DC/2009/00649	One new apartment with associated works.	Refused	03/06/2010
DC/2009/00640	Conversion of existing building to apartments with associated works.	Refused	03/06/2010
DC/2009/00642	Three new dwellings with associated works	Refused	03/06/2010
DC/2008/00908	Conversion of existing house to flats and four dwellings in the grounds.	Refused	16/01/2009
DC/2004/01098 (M12066)	Erection of One Detached Dwelling & Conversion of Existing House into Five Self Contained Flats	Approved	19/06/2006

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1
S12
S13
S16
S17

Development Management Policies

DES1
EP1
H1
HE1
MV1

4.0 REPRESENTATIONS

4.1 Consultations Replies summary

Chepstow Town Council – refuse: the proposal is considered to be an overdevelopment of the site.

MCC Tree Officer – there is no objection to the proposal as the two trees subject to a TPO are to be retained. Conditions regarding their protection are requested.

MCC Highways – no objection to the proposal.

MCC Heritage Management – no objection; the related application for listed building consent is recommended for approval.

SEWBREC Search Results – there is no significant ecological record identified within the application site.

MCC Ecology and Biodiversity – offers no objection; no comment to make.

Glamorgan Gwent Archaeological Trust (GGAT) – there is unlikely to be an archaeological restraint to this proposed development and therefore we have no objections. Should unrecorded archaeological features be disturbed during the course of the work please contact GGAT.

Local Ward Member – Requested that this application be considered and determined by Planning Committee.

4.2 Neighbour Notification

There are a total of five household objections received on both the planning application (DC/2015/00931) and the application for listed building consent (DC/2015/00932). The objections have been summarised below - the full versions are available online.

There are two applications related to the same site and this is very confusing for the general public to follow

No AQMA assessment has been submitted to support this application

The submitted plans have no measurements on them

Steep Street and Hardwick Hill Lane have no footpath and is very narrow and busy. Therefore, with an increased traffic volume from the proposal will cause additional hazards to pedestrians.

The creation of a new access onto Hardwick Hill Lane is intrusive to the listed building

The proposed development is not a small scale development as projected within the submitted Design and Access Statement

The contents of the submitted Design and Access Statement do not truly reflect the actual proposal.

The proposal will exacerbate the existing roadside rubbish problem in this part of Chepstow

The proposal will increased surface water run-off and the current drains cannot cope

The proposed access is dangerous to pedestrians

The proposal will change the views in the conservation area and affect the setting of the listed building

The site is under a different ownership. Therefore, the new buildings will not benefit improvement of Lower Hardwick.

The proposal is overdevelopment of the site

The proposal would remove many rare and specimen trees

The proposal would increase traffic and air pollution in this part of Chepstow

4.3 Other Representations

The Chepstow Society – objection: three new dwellings within the curtilage of the listed building is detrimental to the setting of the listed building. The previous permission has led to the loss of mature trees and glass houses within the site. Steep Street is already narrow and congested and is not suitable to serve the additional residential units being proposed. The increase in number of residential units created will add to the existing traffic problems and worsen the air quality of the area.

5.0 EVALUATION

Principle of Development having regard to the adopted Local Development Plan
Whether the proposal would preserve or enhance the character or appearance of
Chepstow Conservation Area
Effect on the listed building
Neighbour amenity
Highway issues
The loss of trees
Biodiversity
Archaeology
A response to the Town Council
Other issues

5.1 The principle of the proposed development

5.1.1 The proposed site is within the Chepstow Town Development Boundary (Policies S1 and H1 of the Monmouthshire Local Development Plan). Therefore, planning permission would normally be granted for residential development in this location subject to detailed planning considerations.

5.2 Effect on the Chepstow Conservation Area

5.2.1 Policy HE1 of the Monmouthshire Local Development Plan (LDP) applies as the site is within the Chepstow Conservation Area. It is noted that properties in this part of Chepstow are different in terms of both architectural design and plot size, and there is no formal building line that any new development ought to follow. The Council's Heritage Management Team was consulted and has offered no objection to this proposal.

5.2.2 The site is enclosed by a tall stone wall (some 2.5m high on average) and mature trees. It is noted that some of the trees were removed as part of the previous planning permission. The proposed dwellings would be set back from the site and it is considered that the design and scale of the proposal are in proportion. In addition, the remaining trees will provide natural screening of the proposed houses and would have the effect of preserving the character and appearance of this part of the Conservation Area.

5.2.3 A terrace of three dwellings was previously approved on the site; it measured some 19m in width, 8.5m in depth and 8.5m to the ridge. This proposal is for the erection of a pair of semi-detached properties and a detached property. The height of the semi-detached properties is approximately 9.5m and is 8.8m for the detached dwelling. Due to the topography of the site, part of the proposed dwellings (i.e. the lower ground floor) will be set into the ground. Thus, the proposal would be seen as two storeys high from the main access points.

5.2.4 It is considered that the massing of this proposal would be reduced compared to the previous permission as the current proposal is now going to be two individual blocks rather than one single block terrace. The combined width of the current proposal is some 22m. The variation of ridge heights with a gap in between would 'break-up' the massing of the proposal. As mentioned previously, there is a range of properties with different plot sizes in this part of Chepstow. The proposal will provide sufficient amenity space for the dwellings. Overall, it is considered that the proposed development is acceptable and is not out of character with the wider area.

5.2.5 This application received an objection from the Chepstow Society which suggests that to allow three new dwellings within the curtilage of the listed building would be detrimental to the setting of the listed building. Also, it is argued that some of the mature trees and the glass houses that used to exist had been removed under the previous permission, adversely affecting the setting of the listed building and the Conservation Area. The Council's Heritage Management Officer was consulted and offers no objection to the proposal. A fall back position exists in that three dwellings were approved for the site in 2012 which could still be implemented. It is considered that the proposed design is acceptable and the massing of the proposal is in proportion. In addition, a sufficient gap will be provided so as not to detract from the setting of Lower Hardwick.

5.3 Effect on the listed building

5.3.1 Lower Hardwick is a Grade II Listed Building. Thus, any proposed development within the curtilage of the listed building should relate sensitively to the parent building in terms of scale, location, design, detail and materials, and should avoid dominating its appearance as advised within national policy guidance for listed buildings.

5.3.2 A section of the existing stone boundary wall (a listed wall) is proposed to be removed to provide a new access to serve one of the proposed dwellings; this element has been assessed under the concurrent Listed Building Consent. It is considered that the resulting proposal would have some visual impact on the streetscene. However, Lower Hardwick will continue to be a focal point, viewed from Vauxhall Lane. The Heritage Management Officer has advised that although the proposed entrance is an intervention in an historic wall it is not sufficiently intrusive to merit refusal.

5.3.3 The proposed dwellings are set away from the listed house and the design of the proposal is considered to be visually acceptable, being detailed to a high standard with good use of traditional materials (painted rendered walls, slate roof and timber windows). It is considered that the proposed development will have some visual impact on the setting of Lower Hardwick although having discussed this element with the Council's Heritage Management Officer there is no objection. In conclusion, it is considered that this application proposal would not compete adversely with the parent building, being smaller in mass and sufficiently separated from it, with vegetation retained that will help screen and soften the proposal. The proposed development would comply with the thrust of the national policy for listed buildings. Given the above, there is no objection to the proposal as regards the impact on the setting of the listed building whose character would be preserved following the development.

5.4 Neighbour amenity

5.4.1 In terms of neighbour amenity, the distance between the proposed dwellings and the existing properties along Hardwick Hill Lane exceed the minimum requirement of 21m between directly facing habitable room windows. Therefore, the privacy standards of those existing properties are unlikely to be affected by the proposed development. It is noted that parts of the proposed dwellings would be visible from the adjacent public realm. However, the remaining trees around the site curtilage would provide further screening and the development is well-designed and appropriate to this setting, and would not harm amenity merely because elements of it are visible.

5.4.2 One of the proposed dwellings, known as Unit 3, would be some 14.5m from Lower Hardwick. There would be two window openings on the top level of this new dwelling, facing towards Lower Hardwick. However, these windows would serve an en-suite and a landing (a non-habitable room). Therefore, there would not be an adverse overlooking issue, provided that a condition is imposed to ensure that obscure glazing is used on all of the en-suite windows (also applicable to Units 1 & 2).

5.5. Highways matters

5.5.1 Online objections have been received to highlight that Steep Street and Vauxhall Lane/Hardwick Hill Lane are already narrow and congested and would not be suitable to serve the additional residential units being proposed i.e. this would be dangerous to pedestrians.

5.5.2 The Council's Highways Department has advised that Hardwick Hill Lane joins onto Steep Street but is stopped-up by bollards. Therefore, there is no on-coming traffic entering Hardwick Hill Lane from Steep Street. The alignment of Hardwick Hill Lane naturally diverts traffic away from the proposed access point to Vauxhall Lane. Also, the section of Hardwick Hill Lane widens which allows more 'edging out space' for visibility for vehicles exiting the site. As for pedestrians, the proposed access/gate is set back from Lower Hardwick Lane and this part of Lower Hardwick Hill Lane is narrow which restricts vehicles from travelling at high speed. Therefore, there is little prospect of vehicles travelling at speeds that would put pedestrians at danger. Furthermore, it is considered that the overall movements resulting from this application and the recently approved dwelling(s) at High Trees (off Vauxhall Lane) would be acceptable. The Highway Authority has no objection to the proposal, although it has requested that surface water is dealt with on site and should not drain onto the adjacent highway.

5.5.3 The proposal meets the maximum standard as set out in the Monmouthshire Parking Standards and it is noted that a turning area has been provided within the site. In terms of air quality assessment, the Air Quality Management station on Hardwick Hill is primarily to measure the by-products from the heavily congested Truck Road (A48) and the request for such information must be proportionate to the scale of the proposal. This is a very modest residential development within a predominantly residential area and the site already benefits from an extant consent for three dwellings. Also, traffic movements from this proposal would still be significantly less than the level of traffic from the previous use of High Trees (as Council offices). Thus, in terms of air pollution, the small scale use proposed is compatible with the existing area and the proposal is considered to be a betterment of the previous situation, involving High Trees.

5.6. Trees

5.6.1 The Council's Tree Officer is satisfied with the submitted application as the two trees the subject of a TPO will be retained. A condition is requested to protect these trees during the construction of the development.

5.7. Biodiversity

5.7.1 There is no objection from the Council's Ecology and Biodiversity Officer. Therefore, a standard informative about bats and nesting birds will be applied.

5.8. Archaeology

5.8.1 The site is not designated as being archaeologically sensitive and GGAT do not have any objection to the approval of this application. However, as a precaution, an informative will be imposed to advise the developer to contact GGAT in the event unrecorded features are disturbed during the course of works.

5.9 A response to the Chepstow Town Council

5.9.1 The Chepstow Town Council has objected to the application as it considers the proposal is an overdevelopment of the site. The proposed site is within the Chepstow Town Development Boundary (Policies S1 and H1 of the Monmouthshire Local Development Plan) wherein planning permission would normally be granted for residential development subject to detailed planning considerations.

5.9.2 Properties in this part of Chepstow are different in terms of architectural design and plot size, and there is no formal pattern of development that any new development ought to follow. It is acknowledged that Lower Hardwick is listed Grade II and the site is within the Chepstow Conservation Area. The proposal will have some visual impact on the site and wider area but the layout, scale and design of the proposed dwellings are such as to complement the adjoining development and the wider Conservation Area. Moreover, the principle of development of three dwellings on the site has been established by the extant planning permission DC/2011/00506. The relevant issues have been assessed accordingly (see the evaluation above) and the proposal is considered to be acceptable in this regard.

5.10 Other issues

5.10.1 Some of the neighbours have concerns over additional surface water run-off from the proposal. Welsh Water has been consulted and there is no objection; standard conditions have been requested. Also, it is normal practice to request a drainage scheme, via a planning condition which would be considered by the Local Authority prior to the commencement of the development.

5.10.2 An objector pointed out that there are two applications related to the same site which is confusing for the general public to follow. The application process requires both a planning application and an application for listed building consent. It is useful to note that the objections received on both applications have been summarised and considered in this report.

5.10.3 No AQMA assessment has been submitted to support this application. Please refer to section 5.5.3 of the report.

5.10.4 One of the objections has pointed out that there are no measurements on the submitted plan. It should be noted that the submitted plans have the necessary dimensions to inform a planning decision.

5.10.5 Some of the objectors have pointed out that the contents of the submitted Design and Access Statement do not truly reflect the actual proposal. In response it is advised that a Design and Access Statement only tells 'part of the story'; the Design and Access Statement must be read in conjunction with the submitted plans.

5.10.6 A local resident believes that the proposal will exacerbate an existing roadside rubbish problem in this part of Chepstow. This is conjecture and there is no evidence to suggest that this problem will arise.

5.10.7 It is acknowledged that the site is under a different ownership. There is no correlation between this application and the improvement of Lower Hardwick, as suggested.

6.0 RECOMMENDATION: APPROVE

Conditions

Standard 5 years to commence development condition

Standard approved plans condition

Obscured glazing on all en-suite/ toilet windows

Permitted Development Rights removed

Standard Tree protection conditions

Welsh Water conditions

A foul and surface water drainage scheme shall be submitted to and approved by the LPA prior to the commencement of the development; the development shall be carried out in accordance with the approved drainage scheme.

The access, hereby approved, shall be created prior to the occupation of Unit 1.

Informatives:

Standard informative about bats and nesting birds will be requested.

Standard informative about archaeology will be requested.

Welsh Water Advisory Notes

DC/2015/00970

PROPOSED DEMOLITION OF DETACHED BUILDINGS, CONVERSION OF HOTEL BEDROOM ANNEXE INTO 7 NO RESIDENTIAL UNITS, ERECTION OF 3 LINKED DWELLINGS WITH CAR PARKING AND ALTERED SITE ACCESS

ANNEX TO THE THREE SALMONS HOTEL, PORTHYCARNE STREET, USK

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Date Registered: 17/11/2015

1.0 APPLICATION DETAILS

- 1.1 This is a full application for the conversion of existing hotel annex accommodation at the Three Salmons to seven residential units, the demolition of adjacent workshops and the erection of three new single storey dwellings. The application also includes the construction of an access road to adoptable standards, car parking for 17 cars and associated landscaped areas. The application has been submitted following the withdrawal of an application for conversion of the hotel annex and erection of five two storey dwellings. This application was approved by Planning Committee but a Section 106 agreement that was required to secure the affordable housing was not signed before the application was withdrawn for other reasons relating to a covenant on the rear portion of the site.
- 1.2 Four of the flats proposed in the former hotel have been put forward to be considered for occupancy as affordable homes.
- 1.3 The site is located within the Usk Conservation Area and the hotel annex is Grade II listed. The building was originally a stable block with living accommodation over but was converted in the 1970s to serve as additional accommodation for the nearby Three Salmons Hotel. The site is also partially within a flood plain.
- 1.4 The existing modern workshop buildings on the lower part of the site are proposed to be demolished and the area used for car parking. The new dwelling units are proposed on the higher part of the site to the rear in the form of a small mews-like development.

2.0 RELEVANT PLANNING HISTORY

A3753 and A3812 – change of use to four bedrooms for hotel. Approved 1976

DC/2014/00961 and 962 (LBC) - proposed demolition of detached buildings, conversion of hotel bedroom annexe into 7 residential units, and erection of 5no. detached dwellings with car parking and altered site access; withdrawn on 3/8/15.

DC/2015/00971 - Proposed demolition of detached buildings, conversion of hotel bedroom annexe into 7 no residential units, erection of 3 linked dwellings with car parking and altered site access (associated Listed Building Consent); recommended for approval.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 - The Spatial Distribution of New Housing Provision
S4 – Affordable Housing Provision
S11 – Visitor Economy
S12 – Efficient Resource Use and Flood Risk
S13 – Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making and Design

Development Management Policies

H1 - Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements.
HE1 – Development within Conservation Areas
NE1 – Nature Conservation and Development
SD3 – Flood Risk
MV1 - Proposed Developments and Highway Considerations
EP1 – Amenity and Environmental Protection
DES1 – General Design Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.2 Usk Town Council – recommends approval.

4.1.3 Natural Resources Wales (NRW) – Does not object to the above application, providing appropriately worded conditions to address the impact upon protected species and flood risk are attached to any planning permission your authority is minded to grant.

The application site lies partially within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, which is a designated main river. Our records show that the proposed site has also previously flooded from the River Usk. Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified.

The flood consequences assessment (FCA,) produced by JBA Consulting, dated March 2014, submitted in support of the previous application has adequately assessed the risks and consequences of flooding.

In respect of the impact on flood risk elsewhere, the FCA states that there will be no change in available floodplain storage given that the building footprint is largely unchanged. We are satisfied with this assessment. We request that the following condition is included in any planning permission;

*The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) JBA Consulting dated March 2014 and the following mitigation measures detailed within the FCA Finished floor levels are set no lower than 17.7 metres above Ordnance Datum (AOD) (Newlyn)
Reason; To reduce the risk of flooding to the proposed development and future occupants.*

We welcome the submission of the report by Avalon Ecology, entitled 'Bat Activity Survey, Buildings at three Salmons Hotel, Usk' (September 2014). We note the presence of a small number of pipistrelle and lesser horseshoe bats during the surveys undertaken.

In order to ensure that there will be no detriment to the maintenance of the favourable conservation status of bats as a result of the proposals, we advise that suitable conditions are attached to the permission to address the following;

- Works impacting upon bats will be carried out according to the proposals detailed within the report by Avalon Ecology, entitled 'Bat Activity Survey, Buildings at three Salmons Hotel, Usk' (September 2014).
- A Lighting Plan shall be submitted to and approved by the LPA prior to completion of works
- Bat mitigation proposals will be provided as indicated on page 58 and 59 of the survey report.

We also advise that a European development Licence is sought from NRW prior to works commencing to ensure the favourable conservation status of bats, a European Protected Species.

- 4.1.4 Glamorgan Gwent Archaeological Trust - The proposal will require archaeological mitigation. Information in the Historic Environment Record shows that the application site is within the Archaeologically Sensitive Area of Usk, the medieval town of Usk within the area enclosed by the town ditch, some 100m from Usk Castle. Although the application area is outside the walls of the Roman fortress, it is on the frontage of a major cross roads within the town, the routes of which have Roman origins, and is located approximately 400m south of an extensive cremation cemetery located on either side of the road and discovered in the mid-20th century. Archaeological work in the area has shown that features and finds survive, and in this case it is likely that archaeological material associated with the medieval settlement may be located in the application site.

The Three Salmons itself is a Grade II listed building (Cadw ref: 2148) and occupies a prominent position within the street frontage of the town. The garden wall of the building is also listed Grade II (Cadw ref: 2185). The proposed development site has been occupied since the earlier post-medieval period, and possibly earlier, given the Medieval and Roman settlement in the area. However, the site has undergone disturbance and as a result of this, whilst the proposals will require archaeological mitigation, this can be achieved by condition. Therefore, we recommend that a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource should be attached to any consent granted by your Members. We envisage that this programme of work would take the form of an intensive watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any burials or other archaeological features that are located are properly excavated and removed. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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

The applicant will need to employ an archaeologist to undertake the work.

- 4.1.5 MCC Highways – The site layout as amended will provide 17 car parking spaces where according to SPG, a further space would be required. This can be accommodated by the replacement of the refuse collecting zone which is discouraged on such a small site.

The highway layout does not fully come up to adoptable standards as no marginal strips or footways are provided within the site. I would wish to see the full turning area retained for servicing of the site off the highway and construction to current standards including visibility but would not be insisting on the site being offered for adoption.

- 4.1.6 MCC Development Plans - Confirm that the development of this site meets the requirements of Strategic Policy S1 and Policy H1 in principle, subject to detailed planning considerations.

Policy S4 relates to Affordable Housing Provision and states that in Rural Secondary Settlements such as Usk there is a requirement on sites of five or more proposed dwellings for 35% to be affordable. The application form submitted identifies four of the twelve dwellings to be affordable. I would suggest liaison with Shirley Wiggam the Senior Strategy and Policy Officer for Housing in relation to the type/mix of affordable housing required at this site.

Part of the site is located in Zone C1 floodplain, this in the main relates to the buildings proposed for conversion and parking areas of the new build development. It appears that the new build dwellings are located just outside the floodplain, although this would need to be confirmed. Strategic Policy S12 and Policy SD3 relating to Flood Risk must be considered, whilst it is appreciated the existing use of hotel accommodation is a form of highly vulnerable development it must nevertheless be considered whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15.

Policy RET2 must be considered as the site is located within the Usk Central Shopping Area. In this case, there is no loss of A1, A2 or A3 frontage and the existing hotel annex does not itself add to the vitality, attractiveness and vitality of the defined CSA so there is no conflict with Policy RET2. Policy S11, however, states (inter alia) that 'Development proposals ... that would result in the unjustified loss of tourism facilities will not be permitted'. In this respect, there appears to be little evidence provided to justify the loss of the hotel accommodation, although it is noted that it is stated that the annex has limited usage.

In addition to the above, the site is located within the Usk Conservation Area, and Policy HE1 must therefore be referred to. The conversion also relates to a listed building, as there is no specific local planning policy in relation to listed buildings it is important to ensure DES1 in relation to General Design is considered along with Chapter 6 of Planning Policy Wales relating to Conserving the Historic Environment. Policy EP1 should also be taken into consideration along with Strategic Policies S13, S16 and S17.

Finally, Policy CRF2 relates to outdoor recreation/public open space/allotment standards, as the proposal relates to twelve dwellings there should usually be some on site provision, along with potential off-site contributions. In this case it may not be appropriate to provide on-site provision; I suggest contacting Tim O'Donovan who will no doubt provide comments in relation to this matter.

- 4.1.7 MCC Housing Officer – With ten units in total the affordable element should be four units. Two 2 person 1 bedroom flats and two 4 person 2 bedroom houses would be an appropriate mix for the area, but I can be flexible on this as we have a high need for all types of affordable homes in this area.
- 4.1.8 MCC Tree Officer - I had a meeting at the site in December 2013 with the applicant and his agent to discuss the mature Sycamore tree. The tree is not protected by a TPO but is within the conservation area. Whilst it makes a significant contribution to the landscape when viewed above the roof lines of the adjacent buildings it is not, in my opinion, a suitable specimen for retention. The tree is multi-stemmed with the stems (trunks) tightly packed together and growing under compression from ground level. This is deemed to be a significant structural defect; therefore its retention as part of the scheme is inadvisable. Furthermore it is likely to become destabilised upon the demolition of the adjacent building and probable excavations within the root plate. I therefore have no objection to the removal of this tree provided that it is replaced elsewhere on the site as part of the scheme of landscaping.
- 4.1.9 SEWBREC Search Results – Pipistrelle bats have been recorded within the vicinity of the site.

4.2 Neighbour Notification

No comments received to date.

5.0 **EVALUATION**

5.1 Consideration of proposal in relation to LDP Policies

- 5.1.1 The site is within the development boundary of Usk, within which conversion to and new build residential development are acceptable in principle under Policies S1 and H1 of the Local Development Plan.
- 5.1.2 Policy S4 relates to Affordable Housing Provision and states in Rural Secondary Settlements such as Usk there is a requirement on sites of five or more dwellings for 35% of the dwelling units to be affordable. The application form submitted identifies four of the ten dwellings to be affordable. After liaison between the Council's Housing Officer and the applicant the units offered have now been accepted as suitable for social rent and have been designed to meet the requisite space standards set out by Welsh Government (DQR).
- 5.1.3 Policy S11 states (inter alia) that 'Development proposals ... that would result in the unjustified loss of tourism facilities will not be permitted'. In this respect, the applicant has provided evidence to justify the loss of the hotel accommodation including occupancy rates. The main Three Salmons Hotel building has a sleeping capacity of 21 persons and is the most popular of the accommodation offering at the Three Salmons, enjoying a healthy occupancy rate this year to date (The main hotel bedrooms fill before the annex bedrooms). Guests do not appear to be so keen crossing a main road to stay in the annex, especially during the colder months, wet weather or when they are part of a group booking. Furthermore bedrooms in the

annex suffer from traffic noise and as a listed building there are restrictions on what type of windows can be used. The applicant has also argued that competition from larger hotels such as The Celtic Manor that can offer sport and leisure facilities are damaging business. This information is reflected in the occupancy rates of the annex element of the hotel. In this respect it is not considered that the loss of this part of the hotel accommodation would be unjustified, and thus the proposal is not considered to conflict with LDP Policy S11.

5.2 Visual Impact including Impact on the Listed Building and Conservation Area

- 5.2.1 The site is located within the Usk Conservation Area and therefore LDP Policy HE1 is relevant. The conversion also relates to a listed building, and as there is no specific local planning policy in relation to listed buildings it is pertinent to refer to LDP Policy DES1 in relation to 'General Design' along with Chapter 6 of Planning Policy Wales relating to Conserving the Historic Environment, as well as the Listed Buildings and Conservation Areas Act 1990 and the advice contained in Welsh Office Circular 61/96.
- 5.2.2 Internally the building was converted to hotel accommodation in the 1960's before the building was listed in 1974 and so much of the internal character of the stables has been lost. Internally the alterations are not considered to have a significant detrimental impact on the character of the building. With regards to the proposed new build and external alterations, the number of units requires a significant amount of parking, together with the subdivision of the amenity spaces, which could have a detrimental impact on the stables building as could any alterations and new openings to the listed building in particular, if not carefully designed.
- 5.2.3 With regards to the stables, to the front elevation, there are limited alterations to the main building and the introduction of timber boarding to the former openings is welcomed. These could be recessed slightly to create a stronger relief and depth to the former openings and this is likely to be a condition of the associated Listed Building application, if granted. The retention of the external stone steps is welcomed. Amendments to the treatment of the rear elevation have improved the scheme since originally submitted with new openings required for the units now appearing more ad hoc. The style of the proposed small extension to the stables will match the existing building in material finishes, colour and general proportions. Overall therefore, it is not considered that the proposed conversion of the former stables building to residential accommodation will harm the character of the listed building or the character or appearance of the surrounding area which is a conservation area. That character would be preserved.
- 5.2.4 In terms of the new build, the three new single-storey units proposed have been designed as linked cottages to reflect the scale, character and appearance of existing properties in the town and the adjacent former stable building. The removal of the light industrial units that currently occupy the site is seen as a significant benefit in terms of the visual amenity of the area.

It is considered that the effect of the proposal would preserve the listed building as well as enhancing the character or appearance of the wider Conservation Area. The proposal would meet the statutory requirements set out in s.66 and s.72 of the aforementioned Act and accord with LDP Policies HE1 and DES1.

5.3 Residential Amenity

- 5.3.1 As the proposed new dwellings will be single storey, there will be no first floor windows overlooking existing properties to the rear of the site and there is in excess of 21 metres between the proposed new dwellings and the existing dwelling to the rear of the site known as Dan-y-Castell. As such it is not anticipated that there will be any loss of privacy for existing or future occupiers as a result of the development.
- 5.3.2 Although the site is lightly used in terms of traffic, there are workshops on site where use could be intensified without planning control. Should the hotel annex accommodation be full on a regular basis there would also be an increase in traffic compared to the level experienced at present.
- 5.3.3 Given that the site is a Conservation Area, to which trees can contribute a great deal visually, it is considered that the existing sycamore that is to be removed should be replaced. The proposed location of replacement trees can be agreed with the Council's Tree Officer via a condition, which would take into account the effects on neighbour amenity and integrity of walls, etc.

5.4 Flooding

- 5.4.1 Part of the site is located in Zone C1 floodplain. Primarily, this relates to the buildings proposed for conversion and parking areas of the new build development as the new build dwellings are located just outside the floodplain. Residential development is considered to be a form of highly vulnerable development and therefore it must be considered whether the proposal satisfies the justification tests outlined in Welsh Government Guidance in TAN15.
- 5.4.2 The Flood Consequences Assessment (FCA) produced by JBA Consulting, dated March 2014, submitted in support of the application has adequately assessed the risks and consequences of flooding. The application site has the benefit of flood defences. Given the standard of protection of the defences in the area (up to a 1 in 100 year standard with an allowance for climate change), NRW are satisfied that the defended scenario, in this instance, can be used to assess the flood risk to the site.
- 5.4.3 Flood level data obtained from NRW demonstrates that the site is predicted to be flood free in the 1% plus climate change flood event (defended scenario). During the 0.1% flood event the southern part of the site, based on the finished floor level of 17.7mAOD, is predicted to flood to a depth of 1.12m in the defended scenario. This exceeds the indicative tolerable conditions set out in TAN15. It is also noted that the predicted maximum velocities are in excess of indicative tolerable conditions set out in TAN15. Given this, NRW recommend that the LPA consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that NRW cannot advise the Council on such as emergency plans, procedures and measures to address structural damage that may result from flooding. Given that the site is brownfield, no further information is being requested in this case.
- 5.4.4 In respect of the impact on flood risk elsewhere, the FCA states that there will be no change in available floodplain storage given that the building footprint is largely unchanged. NRW are also satisfied with this assessment.
- 5.4.5 It is concluded that the proposal would not increase the extent of highly vulnerable development in this flood risk area, with the housing proposed in the converted building replacing visitor accommodation, both being a form of highly vulnerable development according to TAN15. Thus, it is concluded that the proposed conversion

would be an acceptable form of development and would not conflict with the spirit of the guidance set out in Policy SD3 of the LDP. The upper floor conversion to residential in any case would be permitted by Policy SD3. The proposal, which would enhance the Conservation Area and provide much-needed housing, including affordable housing, can be justified in accordance with TAN15 as the proposal's location in a flood risk area is necessary to assist, or be part of, the Council's development plan strategy to sustain this settlement. Flood-proofing measures such as the higher placement of electrical services/ sockets for the ground floor apartments, and the advice that hard surfaces are used on the floor of the accommodation rather than carpets,

5.5 Highway and parking issues

- 5.5.1 The parking area and the new houses will be accessed using the existing entrance to the car park and yard. Monmouthshire's Adopted Parking Guidelines require eighteen spaces for residents although this can be reduced slightly given the lower demand likely to arise from the 2 x two bedroom affordable units; seventeen car parking spaces are proposed which are considered to be acceptable in this sustainable central location, close to facilities, including shops, a surgery and a primary school that are easily accessed by foot. There are also public car parks within easy reach of this site. An over engineered access, parking and turning area would not be in keeping with the surrounding conservation area.

5.6 Economic Development Implications

- 5.6.1 The applicant has provided information showing the that occupancy rates for the annex to the main hotel are significantly below that for the main hotel and the Glen-yr-Afon Hotel which is also under the same management. It has therefore been demonstrated that the use is not financially viable. With regards to the small light industrial units on the site, it should also be noted that the site is not allocated in the Local Development Plan as employment land. Only one unit has a business operating from it which is car sales. This is a business of limited size and employment prospects may be better relocating to a larger site with more space to show cars and to expand. Furthermore, the benefit of the removal of these modern utilitarian buildings to the setting of the listed building and the wider Conservation Area is also significant, not only for residents but also for visitors to the town.

5.7 Design Amendments/ Negotiations

- 5.7.1 Alterations to the front elevations of the proposed new dwellings have been made to the satisfaction of Council's Conservation Officer and include the use of natural stone and windows with traditional horizontal bars. The retention of the chimney to the right hand lower wing of the former stables has also been secured. With regards to the rear elevation, the overall number of new openings was reduced and the existing retained in their current positions. The subdivision of the rear amenity spaces of the annex by close board timber fence has been removed from the scheme and replaced by low level walls instead. This will significantly reduce the impact of the conversion on the setting of the listed building as the tall timber fences originally proposed would have subdivided the rear curtilage and reduced the openness around the site which was part of the original setting and would have had a detrimental effect on the building.

5.8 Biodiversity Issues

The lesser horseshoe bat species found on the site is very rare in a more urban environment and so the mitigation needs to be carefully considered. 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. 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 primary reason for the development is to convert the existing building into accommodation that meets a need for housing. The development would add considerably to the economic value of the land. This would give rise, albeit indirectly, to some local social and economic benefit by further enhancing the fabric of the surrounding area.

- (ii) *There is no satisfactory alternative*

The 'do nothing' scenario would leave the applicant with a building that is not being used which could eventually lead to a situation where the condition of the property will steadily worsen. This approach would eventually give rise to dereliction, with loss of bat roosting habitats. It is not considered possible to convert the building in a way which does not affect the existing roost.

- (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.*

The potential impacts to the roosts present on site can be mitigated by carefully timing of works and the provision of a new bat loft. The Bats are using the rear of the site and so it is proposed to include a suitable bat loft within the roof space of a proposed car port to the rear of the annex building,

In the light of the circumstances outlined above it is considered that the three tests would be met.

5.9 Section 106 Requirements

- 5.9.1 Policy CRF2 relates to outdoor recreation/public open space/allotment standards and as the proposal relates to twelve dwellings there should usually be some on site provision, along with potential off-site contributions. In this case, given the limited size of the site it is not considered to be appropriate to provide on-site provision but a commuted sum for off-site provision should be sought through a Section 106 Agreement that would also cover the affordable housing. It has been resolved that the off-site contribution should be a combined adult recreation and children's play contribution and that the funding should be spent on the Usk Play Park Regeneration Project, which is being led by a local group and is specifically looking to extend and upgrade the children's play area at the Maryport Street (South) Car Park, the one adjacent to Usk Memorial Hall. The off-site recreation contribution would be based on the adopted formula of £3,132 per dwelling.

6.0 RECOMMENDATION: APPROVE subject to a s.106 agreement to secure affordable housing provision on site and an off-site recreation contribution which will be spent on the children’s play area at the Maryport Street (South) Car Park.

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 development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
4	The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) JBA Consulting dated March 2014 and the following mitigation measures detailed within the FCA; Finished floor levels are set no lower than 17.7 metres above Ordnance Datum (AOD) (Newlyn).
5	Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.
6	Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.
7	The development shall be carried out according to the proposals detailed within the report by Avalon Ecology, entitled ‘Bat Activity Survey, Buildings at three Salmons Hotel, Usk’ (September 2014).
8	Bat mitigation shall be provided as indicated on pages 58 and 59 of the report by Avalon Ecology, entitled ‘Bat Activity Survey, Buildings at three Salmons Hotel, Usk’ (September 2014).
9	No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
10	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
11	Prior to commencement of development, a lighting plan shall be

	submitted to and agreed in writing with the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification), there shall be no other external lighting of the site unless agreed in writing by the Local Planning Authority.
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Informative:

The applicant is advised to consider flood-proofing measures for the ground floor apartments because they are in Flood Zone C1. Advice on this can be found at various sources including NRW and the Home Owners' Alliance. However, any changes to the fabric of the listed building should first be checked with the Council's Heritage Section before works are commenced.

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DC/2015/01264

CHANGE OF USE FROM B1 USE (BUSINESS OFFICE) TO A3 USE (FOOD AND DRINK)

**FORMER TOURIST INFORMATION CENTRE, SWAN MEADOW, MONMOUTH ROAD
ABERGAVENNY**

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Date Registered: 26/10/2015

1.0 APPLICATION DETAILS

- 1.1 This application has been submitted by Monmouthshire County Council for the change of use of the former Tourist Information Centre that is located next to the bus station into a café. The building is currently vacant and has been unoccupied for approximately 15 months. The previous occupiers were the Brecon Beacons National Park who operated the tourist information service as a B1 office use.
- 1.2 The proposed occupier is The Victorian Tea Rooms who were the successful bidder for the new lease of the building, subject to approval of a planning application. The company has been trading for approximately 2 years at a premises at 28 Frogmore Street but due to their success, are looking to move to larger premises.
- 1.3 The property is located just outside the Central Shopping Area of Abergavenny as defined under Policy RET2 of the Local Development Plan. There is no policy restriction regarding a change of use to non-retail use in principle.
- 1.4 The tea rooms propose to be open between 9am and 5pm Monday to Saturday and 10am until 4pm on Sundays and Bank Holidays and would employ the equivalent of two full time members of staff.
- 1.5 The property is located within the Abergavenny Conservation Area.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 – Enterprise and Economy
S11 – Visitor Economy
S13 – Landscape, Green Infrastructure and the Natural Environment
S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations
RET4 – New Retail Proposals
EP1 – Amenity and Environmental Protection
HE1 – Development in Conservation Areas

4.0 REPRESENTATIONS

4.1 Consultations Replies

Abergavenny Town Council – recommends approval.

Dwr Cymru – Welsh Water – no objection subject to conditions.

MCC Environmental Health – no objection in principle; would recommend that consideration is given to a condition restricting hours to prevent opening during very late night hours. This is to minimise the potential for any inconvenience to residents in the area from noise.

Abergavenny and District Civic Society – We note that this building lies just outside the central shopping area as designated in the LDP. Therefore it appears that the change of use from B1 to A3 should be assessed primarily against Policy RET4, though this policy does not refer explicitly to food and drink uses. A suitable site might well be available within the shopping area and, with over 50 coffee/tea shops and restaurants premises in the town a ‘demonstrable need’ is doubtful, but perhaps arises from the building’s proximity to the bus station and an Aldi store (also outside the shopping area).

Common sense suggests that this change of use makes very appropriate use of a vacant, hard to let, building and it should be approved. We are pleased that the building is to be leased by the Council as this will retain control in an area where redevelopment may take place in the future.

SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

4.2 Neighbour Notification

One representation received from Oasis Sandwich Bar. Objects on the following grounds;

- Abergavenny has enough food and drink outlets already.

5.0 EVALUATION

5.1 Principle of Development

- 5.1.1 The site is just outside the Central Shopping Area (CSA) of the town and its boundary is at the southern end of Cross Street. The property is not therefore restricted by policies seeking to protect retail uses. Although the preferred location for new retail, commercial leisure/entertainment developments is within CSAs, sites on the edge of the CSA are the next choice where it can be demonstrated that no suitable site exists within the CSA. In this case it is considered that this site close to the public car park and bus station on the fringe of the designated shopping area is a suitable place for a café and will not cause any loss of vitality or viability of the town centre. It should also be noted that the proposed occupier of the building is moving from existing premises within a CSA which is also Primary Shopping Frontage. The vacated unit could be put to use as A1 retail which would be preferable in policy terms to its existing A3 use.

5.1.2 Policy S11 relates to the visitor economy and seeks to protect areas of tourism interest. The Tourist Information Centre itself is not considered to be an area of tourism in this sense and the service that it provided has been moved elsewhere including the One Stop Shop.

5.1.3 The number of other tea rooms and cafes within Abergavenny is not a material planning consideration and is not therefore relevant to the determination of this application.

5.2 Visual Impact

5.2.1 No external changes are proposed to the building which is located within the Conservation Area. Any signage would be subject to separate advertisement consent.

5.3 Residential Amenity

5.3.1 The building is not within close proximity to residential properties and while the comments from Environmental Health in relation to noise are noted it is considered that should a late night use be proposed then this would be subject to a licence application and it is not necessary to control opening hours through the planning system in this case.

6.0 RECOMMENDATION: APPROVE

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
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DC/2015/01331

INSTALLATION OF 30.5m HIGH LATTICE TELECOMMUNICATION TOWER TO SUPPLY BROADBAND TO THE SURROUNDING AREA, AS PART OF A CONTRACT AWARDED BY THE DEPARTMENT OF CULTURE, MEDIA AND SPORT TO SUPPLY SUPERFAST BROADBAND TO A NUMBER OF RURAL AREAS IN MONMOUTHSHIRE, WHERE TRADITIONAL MEANS ARE UNAVAILABLE

PEN-Y-GARN FARM, PENALLT

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones

Date Registered: 5th November 2015

1.0 APPLICATION DETAILS

- 1.1 This application relates to a parcel of land currently managed as pasture within the farmstead known as Pen-y-Garn Farm. The site is located approximately 3km to the south of Monmouth on elevated ground above the southern side of the Wye Valley.
- 1.2 AB Internet have been contracted by the Department of Culture, Media, and Sport to supply super-fast rural broadband to a number of areas in Monmouthshire, where no alternative options are available in the area. This proposal forms part of a wider scheme to install a combination of towers and 'Ecopops' throughout the County that would effectively communicate with one another.
- 1.3 It is proposed to erect one 30.5m high communication tower within a new fenced compound in the corner of the field. The lattice tower, which would sit on a concrete plinth approximately 5m x 5m, would host six radios. Two of these would receive connectivity from existing infrastructure, whilst the remaining four would broadcast the signal to the surrounding area. The area would be enclosed by 2m high fencing. Additional apparatus includes an outdoor cabinet measuring 882 x 600 x 600mm.
- 1.4 The application site is also located within the Wye Valley Area of Outstanding Natural Beauty (AONB).

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment

S16 – Transport

S17 – Place Making and Design

Development Management Policies

EP1 – Amenity and Environmental Protection

EP4 - Telecommunications

DES1 – General Design Considerations

MV1 – Proposed Developments and Highway Considerations

NE1 – Nature Conservation and Development
LC4 – Wye Valley AONB
LC5 – Protection and Enhancement of Landscape Character
GI1 – Green Infrastructure

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 SEWBREC Search Results – various Category 1, 2 and 3 species recorded within 500m of the site, nearest SINC (Little Bottom Barn) is 248m from the site.

4.1.2 Trellech United Community Council – recommend the application is approved, also noting the following points:

- Councillors recognised that the scheme had the potential to offer benefit to Monmouthshire residents; and noted that the visual impact statement suggested no serious impact. They felt however that the application included insufficient details of exactly which areas would benefit from the scheme.
- Where exactly are the "white areas"? Ideally a map should be included to articulate this clearly.
- It was also important that the AONB be consulted.

4.1.3 Western Power – have not responded to date.

4.1.4 Highway Engineer – has not responded to date.

4.1.5 AONB Officer – provided the following comments:

- The site of the proposed development lies within the boundary of the Wye Valley Area of Outstanding Natural Beauty (AONB), which is an area designated for its national landscape importance.
- The Wye Valley AONB Partnership seeks to encourage high quality design and to conserve and enhance the natural beauty of the landscape.
- The application appears to fail to have regard to the Strategic Objectives and policy proposals set out in the Wye Valley AONB Management Plan and does not adequately seek to address the conservation and enhancement of the unique character and special qualities of the landscape.
- Wye Valley AONB Management Plan (2009-2014 and Draft Plan 2015-2020) recognises that some change to the outstanding landscape of the Wye Valley is inevitable; however it needs to be carefully managed to sustain the distinctive landscape features and special qualities of the area.
- We recognise that Mobile phones and Broadband have revolutionised modern life and that the topography and rurality of the AONB means that coverage is not consistent. However, in the aspiration to reach comprehensive high speed Broadband coverage, the balance has to be reached so that the valley sides don't end up bristling with masts to achieve this.
- There are already a number of examples of effective technical options improving Mobile phone and Broadband coverage in AONBs without impacting negatively on the landscape.
- The AONB Management Plan suggests that masts should use optimum designs or involve innovative solutions, such as incorporation in church towers or farm buildings, which when accompanied by adequate landscaping where appropriate, minimises the landscape impacts in the AONB.
- Similarly the AONB Management Plan suggests that mast sharing may be an option. It is stated a number of times in the application documents that the site has been chosen as having the least landscape and visual impact to meet the

topographic requirements which would enable this technology to function effectively.

- However, we failed to find any information within the application documents to demonstrate which alternative sites had been considered and why this is the most appropriate site for the development.
- It is not clear what alternative designs or mitigation measures have been considered which result in this being the optimum solution.
- We note that a Landscape and Visual Impact Assessment has been undertaken which identifies that landscape effects are likely to be not significant, and only relatively few receptors will experience significant visual effects. However, we do not observe that any aspects of this application assist in the conservation and enhancement of the natural beauty of the area.
- We also consider that, in line with Policy EP4 of the Monmouthshire County Council Adopted Local Development Plan 2011-2021, a mast of this height within the AONB is major development which requires a comprehensive justification in the national interest.
- We consider that there are significant details lacking, and it cannot be considered at present that the form and location of the development has been comprehensively justified as being in the national interest.

4.1.6 MCC Landscape Officer – provided the following comments:

Following a site inspection and a desk top study of site constraints, management policies, design guidelines and the LVIA; it is considered that the proposed development would be acceptable based on the following condition.

In addition to the proposed mitigation measures (LVIA), to satisfactorily reduce the adverse impact on landscape character a GI Bond of £7000 is required to mitigate its adverse impact on landscape character; to improve the connectivity between other important GI Assets, by improving the quality of the PROW network.

Reasons:

1. A poorly located and designed telecommunication project will negatively affect perception and increase resistance to necessary change, as well as diminish the beauty of the Welsh landscape which is essential for quality of life and something we should be safeguarding for 'future generations'.
2. There are many complex tensions in the landscape which need to be managed and balanced.
 - a) The introduction of a strong vertical element onto a distinctive and prominent landform will cause a significant change.
 - b) The proposal will have many benefits to the wider community and its end use supports other important Green Infrastructure benefits; my opinion is balanced with this in mind.

4.2 Neighbour Notification

4.2.1 There have been seven representations received to date, the points raised are summarised below:

- The commercial case for a wireless broadband solution of this scale in Penallt is difficult to see
- There will be very few who will benefit from this encroachment into the landscape within the AONB
- The location and size of this mast will make it a valuable site for any mobile phone operator and may be vital to EE in deploying their 4G replacement services to Airwave
- Lack of information on additional apparatus
- Major adverse visual impact on the AONB
- Many residents have already benefited from Spectrum Internet project

- Lack of early consultation
- How will this benefit the community?
- Some local residents not aware of proposal

5.0 EVALUATION

5.1 Principle of Development

5.1.2 Planning Policy Wales (PPW, 2014) recognises that *widespread access to affordable, secure telecommunications infrastructure is important to citizens and businesses across Wales*. However, it also acknowledges well-established policies for the protection of the countryside, including AONBs.

However it does set out that *Local Planning Authorities are encouraged to respond positively to telecommunications development proposals, whilst taking account of the advice on the protection of urban and rural areas*.

PPW also makes clear the following key considerations for determining applications for planning approval:

- the extent to which radio and telecommunications masts can be shared; and
- the need for dishes and other installations to blend with their backgrounds.

In this instance a new structure has been chosen, as there are no structures in the area with both line of sight to the two uplink sites (from which the site will receive broadband connectivity) and line of sight to the areas that require connectivity. The site needs to have clear line of sight to the uplink site in order to receive broadband connectivity wirelessly so that this can be transmitted to properties in the surrounding area. Trees can affect the line of sight, as 5GHz radio frequencies cannot pass through trees, therefore a location has been chosen in which trees will not have an adverse impact.

5.1.3 Further guidance is provided in Technical Advice Note (TAN) 19 *Telecommunications* which reaffirms the importance of sensitive sites in that *high priority should be given to protecting such areas and the need to safeguard areas of particular environmental importance. In National Parks and Areas of Outstanding Natural Beauty proposals should be sensitively designed and sited and the developer must demonstrate that there are no suitable alternative locations*.

The applicant has advised that surveying in the area found that no sites within a workable radius (3-4km) that would see any of the other infrastructure sites in the network. Other locations for a new tower were deemed unsuitable due to the coverage that they would supply to connect customers and also had constraints with seeing the other masts in the network.

5.1.4 Policy EP4 *Telecommunications* of the Monmouthshire Local Development Plan (LDP) sets out various criteria to be satisfied for such development to be considered acceptable. Of particular relevance is criterion (e) which states that *within the Wye Valley AONB masts over 15 metres in height will be considered as major development and will require a more comprehensive justification in the national interest*.

Given the position within the AONB the proposal has been advertised as major development in the local press accordingly. In terms of national interest, the proposal does form part of a wider project to deliver superfast broadband to private residents and business in rural areas. The project will also overlap with neighbouring local authorities and therefore given this regional importance it is considered to be justified. National guidance in PPW sets out main policy objectives and principles; it

asserts that adequate and efficient infrastructure, including telecommunications, is crucial for the economic, social and environmental sustainability of all parts of Wales.

5.2 Visual Amenity and Landscape Impact

- 5.2.1 The Countryside Council for Wales (now part of NRW) undertook an extensive landscape character assessment of Wales using the LANDMAP information system. LANDMAP is a Geographical Information System-based landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated into a nationally consistent set of data. In LANDMAP the landscape is defined under five separate categories: geological; habitat; visual & sensory; historic and cultural. LDP Policy LC5 refers to LANDMAP. In determining the landscape impact of this application, each of these five elements of the landscape must be explored in relation to the site and surroundings.
- 5.2.2 The Landscape and Visual Impact Assessment (LVIA) submitted in support of the planning application has analysed the landscape character of the proposed development site and its surroundings using current LANDMAP data. This proposal is located in a landscape identified through LANDMAP as being of high landscape sensitivity.
- 5.2.3 The A40 passes through the valley of the River Trothy to the north and west of the site and at its closest point is approximately 1.8km away. However, this road is mostly set within heavily wooded embankments and there are few glimpses of the escarpment where the mast is proposed. For this reason, the LVIA attests that the visual effects on users of the A40 are assessed as *negligible adverse* at all stages of the development and therefore '*Not Significant*'.
There would be clear views for users of the B4293 travelling south. A section of this road, west of Troy Farm, almost aligns on the mast site and here the structure will be prominent on the ridge line. The maximum visual effects for users of the B4293 are *moderate adverse* and therefore '*Potentially Significant*'.
- 5.2.4 In terms of Public Rights of Way (PROW) there is a PROW within 50m along the western boundary of the site although only a short section of the footpath will be affected and visual effects are therefore assessed as *moderate adverse* during and immediately after construction. There is another PROW approximately 400m to the south-east of the site which will have, for a short section, clear views of the mast on the skyline. In relation to the visual effects from this greater distance, the LVIA assesses these as *minor adverse* during construction and *moderate adverse* on completion.
- 5.2.5 The LVIA concludes that *the landscape character of the area will not be significantly affected by the mast development...Although, for operational necessities, an elevated site, it is comparatively discreet, with existing woodland and local topography combining to reduce visibility.*
In spite of this conclusion, the Council's Landscape Officer is of the view that the introduction of a strong vertical element onto a distinctive and prominent landform will cause a significant change to the landscape. However, it is considered that on balance a Green Infrastructure (GI) Bond would help to satisfactorily reduce the adverse impact on landscape character. A sum of £7000 would help to improve the connectivity between other important GI Assets, by improving the quality of the PROW network. This will be the subject of a section 106 legal agreement.
- 5.2.6 Policy EP4 sets out planning conditions may be imposed to secure within an agreed timescale the removal of telecommunication apparatus and site restoration following

permanent decommissioning. Therefore a condition is to be attached to ensure the tower is removed and a scheme is agreed for the restoration of the land. It is considered that this would have many benefits to the wider community and its end use supports other important Green Infrastructure benefits.

5.2.7 Other forms of mitigation have been considered including the phasing of the installation, in addition to the provision of new planting. The 30.5m high tower could not be phased and installed in sections owing to the presence of the Graig Woodland in that the height of these trees would obstruct the signal if the tower were to be shorter. At 30.5m in height it would not be possible to screen the development from wider vantage points and similarly more immediate planting would cause signal disruption issues. Therefore on balance it is considered that additional planting would not provide effective or viable mitigation.

5.3 Residential Amenity

5.3.1 Telecommunication Towers do not create any discernible noise, nor do they produce traffic nor any further noise or disturbance once operational. The impact of this type of scheme on local residents is therefore limited to visual impact. Residential properties within the vicinity of the site are considered amongst the most sensitive to visual impact.

5.3.2 Crick Farm and the property known as The Craig have been identified as the individual residential properties most likely to experience the most significant effects. The LVIA acknowledges that the majority of the lattice tower will be seen against the backdrop of sky. However the lightweight structure will not be a dominant feature in the view, although clearly visible.

5.3.3 Whilst seven objections have been received from local residents, no correspondence submitted has referred to public health, which can be a material planning consideration. The Welsh Government set out in PPW that *'if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (as recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Report) on a precautionary basis), it should not be necessary for a local planning authority in processing an application for planning permission, to consider further the health aspects and concerns about them.'*

In this instance the applicant has provided a copy of the appropriate ICNIRP certification and therefore it is not considered that it would cause unacceptable harm to public health.

5.3.4 Therefore, on balance, it is considered that whilst the proposed development would be visible from a number of receptors in the vicinity, it would not cause such harm so as to warrant refusal. The development would not be contrary to Policy EP1 of the Monmouthshire LDP.

5.4 Access/Traffic

5.4.1 The construction of the proposed lattice tower would result in temporary generation of construction and staff-related vehicle trips. The site would be accessed via the existing track leading to Pen-y-Garn Farm. However, construction traffic would be limited to a maximum of three vehicles over a period of only seven days. Long term, the site will only be accessed up to twice a year for maintenance works and therefore

it is not considered that it would adversely impact on local highway safety (or for that matter local amenity in terms of inconvenience to regular road users).

5.5 Response to the Representations of the Community Council/ Other Parties

5.5.1 Concerns raised through the consultation exercise relating to siting and visual impact, particularly impact on the AONB, have been addressed in the preceding sections of this report.

5.5.2 Other points raised relate to the questioning the benefits of the proposal to local residents. A large number of properties in the immediate vicinity already benefit from faster broadband that was provided approximately 18 months ago by 'Spectrum Internet' that was funded by the Welsh Government. Therefore whilst it is acknowledged that a number of immediate residents would not benefit directly from the superfast broadband to be provided by this proposal, it would provide benefits to businesses and residents in wider rural areas as part of the overall project.

5.5.3 With regard to the lack of associated apparatus, full drawing details of the tower and associated cabinets are provided on the Council's website.

5.5.4 It is also commented that the application has been subject to a lack of public consultation. Any community work and engagement at a pre-application stage is currently at the discretion of the applicant. The planning application has been advertised in the local press and a site notice erected in a prominent public place. In addition eleven letters were sent directly to properties closest to the site. It is therefore considered that the Local Planning Authority has carried out its duty in terms of public consultation fully and correctly.

6.0 **RECOMMENDATION: APPROVE subject to a s106 agreement to secure a Green Infrastructure Bond**

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	The tower hereby approved shall be painted the colour RAL 7047, the fencing shall be 385 v-pressed mesh fencing coloured RAL6005 and shall remain as such in perpetuity.
4	Within 3 months of the cessation of tower being used for the purposes hereby approved, all associated works/equipment shall be removed from the site and the land restored to its previous condition in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority prior to those works commencing.

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DC/2015/01378

INSTALLATION OF 30.5m HIGH LATTICE TELECOMMUNICATION TOWER TO SUPPLY BROADBAND TO THE SURROUNDING AREA, AS PART OF A CONTRACT AWARDED BY THE DEPARTMENT OF CULTURE, MEDIA AND SPORT TO SUPPLY SUPERFAST BROADBAND TO A NUMBER OF RURAL AREAS IN MONMOUTHSHIRE, WHERE TRADITIONAL MEANS ARE UNAVAILABLE

LITTLE SKIRRID, COLDBROOK, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones

Date Registered: 20th November 2015

1.0 APPLICATION DETAILS

- 1.1 This application relates to land at Skirrid Fach (Ysgyryd Fach) which is a distinctive, somewhat conically shaped hill to the east of Abergavenny. It is one of a series of hills and mountains which form part of the setting of the town. The particular site is located 2km to the south-east of the centre of Abergavenny and is at the highest point of the Skirrid at approximately 255m AOD.
- 1.2 AB Internet has been contracted by the Department of Culture, Media, and Sport to supply super-fast rural broadband to a number of areas in Monmouthshire, where no alternative options are available in the area. This proposal forms part of a wider scheme to install a combination of towers and 'ecopops' throughout the County that would effectively communicate with one another.
- 1.3 It is proposed to erect a lattice communication tower within a new fenced compound. The tower would be installed in two phases. In the first phase the tower would be built to a height of 12.2m. This will remain so for 7 years at which point the remainder of the 30.5m tower will be constructed. After 25 years the mast would be reduced to a 12.2m tower height. This sequence presumes a 25 year felling cycle for woodland.
- 1.4 The tower (at capacity) would host eight radios, four of which will receive connectivity from existing infrastructure and broadcast to other sites, and the remaining four would broadcast the signal to the surrounding area to connect to customers. The area would be enclosed via 2m high fencing. Additional apparatus includes an outdoor cabinet measuring 882 x 600 x 600mm.

2.0 RELEVANT PLANNING HISTORY

None

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment

S16 – Transport

S17 – Place Making and Design

Development Management Policies

EP1 – Amenity and Environmental Protection
EP4 - Telecommunications
DES1 – General Design Considerations
MV1 – Proposed Developments and Highway Considerations
NE1 – Nature Conservation and Development
LC3 – Brecon Beacons National Park
LC5 – Protection and Enhancement of Landscape Character
GI1 – Green Infrastructure

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 SEWBREC Search Results – Various Category 1, 2 and 3 species recorded within 250m of the site
- 4.1.2 Llanover Community Council – recommend the application is approved.
- 4.1.3 Western Power – have not responded to date.
- 4.1.4 Highway Engineer – has not responded to date.
- 4.1.5 Abergavenny Civic Society – provided the following comments:
- Proposal will introduce an element to this high quality landscape that does represent a significant, or more than minor, change contrary to the applicants' landscape architect.
 - Acknowledge the applicant has made efforts to reduce the impact of the tower via its design and the phasing of its height in relation to tree growth.
 - While the tower is quite slim, account must be taken of the equipment mounted to it and perhaps the red light that may have to shine at its top.
 - The tower will be conspicuous on the Little Skirrid skyline from many parts of an urban area with a population of around 15,000.
 - Impact on the town is underplayed by making assessments only from Castle Meadows and six rural locations.
 - Photographic evidence can be misleading.
 - Only brief reference is made to the line of sight considerations and two unspecified uplink sites.
 - Why cannot those beyond the effective range of the landline services use direct satellite services, or can a network of more towers avoid such prominent locations in the rural landscape.
 - Lack of information defies guidance of TAN19.
 - Disappointed by lack of consultation with local interest groups.
- 4.1.6 MCC Landscape Officer – provided the following comments:
- Following a site inspection and a desk top study of site constraints, management policies, design guidelines and the LVIA; it is considered that the proposed development would be acceptable based on the following condition:
In addition to the proposed mitigation measures (LVIA), to satisfactorily reduce the adverse impact on landscape character a Green Infrastructure (GI) Bond of £7000 is suggested to mitigate its adverse impact on landscape character; to improve the connectivity between other important GI Assets, by improving the quality of the PROW network.

Reason: A poorly located and designed telecommunication project will negatively affect perception and increase resistance to necessary change, as well as diminish the beauty of the Welsh landscape which is essential for quality of life and something we should be safeguarding for 'future generations'.

1. There are many complex tensions in the landscape which need to be managed and balanced.
 - a) The introduction of a strong vertical element into a distinctive and prominent landform will cause a significant change.
 - b) The proposal will have many benefits to the wider community and its end use supports other important Green Infrastructure benefits; my opinion is balanced with this in mind.

Other comments:

It should also be noted that contrary to comments submitted within the applicants LVIA, development of this type will cause a significant change on a highly sensitive landscape of special character (LC3), and high amenity value by causing a significant visual intrusion. Having said that, the mitigation measures are considered and incorporated appropriately into the development, which significantly reduce its visual impact and go some way to reduce its impact on landscape character.

4.1.7 MCC Public Rights of Way Officer – has not responded to date.

4.2 Neighbour Notification

4.2.1 There have been four representations received to date and the points raised are summarised below:

- I have walked this hill for over 30 years, it was bad enough to see all the trees chopped down, now this mast will ruin the hill forever just to provide broadband to a few.
- Will create an eyesore not only from my property but the whole of Abergavenny and the surrounding area.
- Will affect local people as well as tourism.
- Will not be hidden by the trees and will dominate previously beautiful landscape.
- The application contains no information, as required under national planning guidance on telecoms development, as to the area intended to be covered by the proposed mast nor as to any alternative solutions [such as mast sharing] or sitings that may have been assessed.
- As such this application should be rejected as having totally inadequate supporting information and justification.
- In any event this particular site for a 30m mast is totally inappropriate.
- It could not be in a more prominent location on the summit of one of the iconic seven hills of Abergavenny from which there are wide views over the town, the surrounding countryside, the vale of Usk and the National Park, notably the Skirrid Fawr and Bloreng.
- The proposed mast would greatly intrude into the views from the very well-used footpath within that part of the National Park.
- While any development that improves broadband services in the area are to be welcomed in principle, this particular proposal shows a distinct lack of appreciation of the landscape around Abergavenny.
- The proposed site is in a particularly prominent site for which no justification has been given.

5.0 EVALUATION

5.1 Principle of Development

5.1.2 Planning Policy Wales (PPW, 2014) recognises that *widespread access to affordable, secure telecommunications infrastructure is important to citizens and businesses across Wales*. However, it also acknowledges well-established policies for the protection of the countryside.

However it does set out that *Local Planning Authorities are encouraged to respond positively to telecommunications development proposals, whilst taking account of the advice on the protection of urban and rural areas*.

PPW also makes clear the following key considerations for determining applications for planning approval:

- the extent to which radio and telecommunications masts can be shared; and
- the need for dishes and other installations to blend with their backgrounds.

In this instance a new structure has been chosen, as there are no structures in the area with both line of sight to the two uplink sites (from which the site will receive broadband connectivity) and line of sight to the areas that require connectivity. The site needs to have clear line of sight to the uplink site in order to receive broadband connectivity wirelessly so that this can be transmitted to properties in the surrounding area. Trees can affect the line of sight, as 5GHz radio frequencies cannot pass through trees, therefore a location has been chosen in which trees will not have an adverse impact.

5.1.3 Further guidance is provided in Technical Advice Note (TAN) 19 *Telecommunications* which reaffirms the importance of sensitive sites in that *high priority should be given to protecting such areas and the need to safeguard areas of particular environmental importance*.

It also goes on to set out that *Local Planning Authorities may reasonably expect applications for new masts to show evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure such as an electricity pylon*. In this instance the applicant has advised that three other sites were considered, including existing masts. These were discounted for a number of reasons which included not having the required coverage, high operating costs and not having the required height for line of sight to other sites.

5.1.4 Policy EP4 *Telecommunications* of the Monmouthshire Local Development Plan (LDP) sets out planning conditions may be imposed to secure within an agreed timescale the removal of telecommunication apparatus and site restoration following permanent decommissioning. Therefore should consent be granted, a condition would need to be attached to ensure the tower is removed and a scheme is agreed for the restoration of the land.

5.2 Visual Amenity and Landscape Impact

5.2.1 The Countryside Council for Wales (now part of NRW) undertook an extensive landscape character assessment of Wales using the LANDMAP information system. LANDMAP is a Geographical Information System-based landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated into a nationally consistent set of data. In LANDMAP the landscape is defined under five separate categories: geological; habitat; visual and sensory; historic and cultural. LDP Policy LC5 refers to LANDMAP. In determining the

landscape impact of this application, each of these five elements of the landscape must be explored in relation to the site and surroundings.

- 5.2.2 The Landscape and Visual Impact Assessment (LVIA) submitted in support of the planning application has analysed the landscape character of the proposed development site and its surroundings using current LANDMAP data. This proposal is located in a landscape identified through LANDMAP as being of overall high landscape sensitivity. This is based on the fact that the hill is a prominent local topographic feature and a valued part of the setting of Abergavenny. It is relatively close to the eastern boundaries of the BBNP (approx. 2km) and will be visible in wider areas.
- 5.2.3 Evidently there will be views of the mast from a number of roads in and around the town of Abergavenny. However, the LVIA states that most of these are not pristine views across unspoilt countryside. Rather, the views are frequently in the context of the prominent highway and powerline infrastructure as well as the urban edges of Abergavenny. Additionally, dense tree planting along the main road system mean that there are few longer sustained views towards the hill.
- 5.2.4 Consideration must also be given to the 'Seven Hills of Abergavenny', which form part of the identity of the area, and include two mountains – The Blorenge and The Sugar Loaf. The submitted LVIA accepts that there would be clear views of the mast from these areas of higher ground. However, it argues that these are wide, panoramic views where the mast is a relatively small incident in the landscape. Also the lightweight mast structure, both 12.2m and 30.5m heights, will frequently be seen with a land backdrop, further reducing its visibility.
- 5.2.5 In terms of Public Rights of Way (PROW) there is an extensive PROW network in the vicinity, including one which crosses the summit of Little Skirrid beside the site for the proposed mast. Visual effects on this path will be largely limited to sections near the summit – the woodland on the slopes restricts views out – and here effects are assessed as *moderate adverse* at all stages of the development. However, the LVIA does acknowledge that these effects are therefore significant.
- 5.2.6 The LVIA concludes that *'the landscape character of the area will not be significantly affected by the mast development...Although, for operational necessities, an elevated site, it is comparatively discreet, with existing woodland and local topography combining to reduce visibility.'*
The Council's Landscape Officer is of the view that the introduction of a strong vertical element into a distinctive and prominent landform will cause a significant change to the landscape. However, on balance it is considered that a Green Infrastructure (GI) Bond would help to satisfactorily reduce the adverse impact on landscape character. A sum of £7000 would help to improve the connectivity between other important GI Assets, by improving the quality of the PROW network. This will be the subject of a section 106 legal agreement. It is considered that this would have many benefits to the wider community and its end use supports other important Green Infrastructure benefits.
- 5.2.7 The scheme does offer a form of mitigation by proposing a phased approach, as detailed in paragraph 1.3 of this report. The growth of trees surrounding the proposed tower would provide an important degree of screening at both phases. It is presumed that the trees would be felled on a 25 year cycle, the tower would then be reduced to the 12.2m phase at this point. This process is to be controlled via an appropriately worded planning condition to ensure the full 30.5m is not in situ without the presence of the surrounding trees.

5.3 Residential Amenity

- 5.3.1 Telecommunication Towers do not create any discernible noise, nor do they produce traffic nor any further noise or disturbance once operational. The impact of this type of scheme on the amenity of local residents is therefore limited to visual impact. Residential properties within the vicinity of the site are considered amongst the most sensitive to visual impact.
- 5.3.2 Owing to the height of the proposed tower, at both phases, it will be visible to a number of properties in the surrounding area. The LVIA concludes that the visual effects on individual properties in the surrounding rural areas are assessed as a maximum of *minor adverse* for both mast heights and more generally as *negligible adverse*.
- 5.3.3 While four objections have been received from local residents, no correspondence received has referred to public health, which can be a material planning consideration. The Welsh Government set out in PPW that *'if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (as recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Report) on a precautionary basis), it should not be necessary for a local planning authority in processing an application for planning permission, to consider further the health aspects and concerns about them.'*
In this instance the applicant has provided a copy of the appropriate ICNIRP certification and therefore it is not considered that it would cause unacceptable harm to public health.
- 5.3.4 Therefore on balance it is considered that whilst the proposed development would be visible from a number of receptors in the vicinity, it would not cause such harm so as to warrant refusal. The development would not be contrary to Policy EP1 of the Monmouthshire LDP.

5.4 Access/Traffic

- 5.4.1 The construction of the proposed lattice tower would result in temporary generation of construction and staff related vehicle trips. However, construction traffic would be limited to a maximum of three vehicles over a period of only seven days. Long term, the site would be accessed up to twice a year for maintenance works and therefore it is not considered that it would adversely impact on local highway safety or local amenity by causing inconvenience to other regular road users.

5.5 Response to the Representations of the Third Parties

- 5.5.1 Concerns raised through the consultation exercise relating to siting and visual impact have been addressed in the preceding sections of this report.
- 5.5.2 Other points raised relate to the lack of information with regards to the justification for site selection, as advised in national planning policy (specifically TAN19). Whilst the information provided is limited, as detailed in paragraph 5.1.3 the applicant has provided information relating to three other sites and provided reasons as to why they were not considered appropriate. On balance it is considered that the proposal has met the requirements of TAN19.

5.5.3 Disappointment has also been raised at the lack of pre-application discussions with local interest groups. However, any community work and engagement at a pre-application stage is currently at the discretion of the applicant. There is no statutory requirement for the applicant to engage in such, although it is acknowledged that local interaction at any early stage should be encouraged.

6.0 RECOMMENDATION: APPROVE subject to a section 106 to secure a Green Infrastructure Bond

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	The tower hereby approved shall be painted the colour RAL 7047, the fencing shall be 385 v-pressed mesh fencing coloured RAL6005 and shall remain as such in perpetuity.
4	Within 3 months of the cessation of tower being used for the purposes hereby approved, all associated works/equipment shall be removed from the site and the land restored to its previous condition in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority before such restoration works are carried out.
5	The tower hereby approved will be constructed to a height of 12.2m initially; it shall be increased to the maximum height of 30.5m no sooner than 7 years following the date of the original installation. The tower shall be reduced to 12.2m in height 25 years following the original installation or within 3 months of the surrounding trees being felled, whichever is the sooner. This sequence shall be repeated until the cessation of the use of the tower for the purposes hereby approved.

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**SUBJECT: MONMOUTHSHIRE CONSERVATION AREAS
REVIEW OF DESIGNATED CONSERVATION AREAS**

MEETING: PLANNING COMMITTEE

DATE: 5th January 2016

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

1.1 The purpose of this report is:

To seek Planning Committee's endorsement of the Conservation Area Appraisals as amended in the light of the public consultation, to seek approval for designating a new conservation area and to adopt a strategy for completing the review of the remaining conservation areas.

2. RECOMMENDATIONS:

2.1 To endorse the consultation process carried out and the recommended actions by the Heritage Team in response to comments received, principally with regard to amended conservation area boundaries.

To adopt the completed Appraisal as Supplementary Planning Guidance

To endorse a Single Member decision at Cabinet

3. KEY ISSUES:

3.1 Background Legislation and Policy

The Planning (Listed Building and Conservation Areas) Act 1990 (S.69) imposes a duty on local authorities to review their areas "from time to time" and to consider whether further designation of conservation areas is called for.

A Conservation Area is defined in the Act as an "area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". A conservation area is more than a cluster of buildings of interest – special quality and interest can also be derived from surviving historic street patterns.

The reason for periodic reviews being necessary is that over time development can affect the character of an area and the way places are valued can change.

Paragraph 1.19 of the Adopted Local Development Plan commits to providing Conservation Area Appraisals as accompanying Supplementary Planning Guidance.

3.2 Monmouthshire's Conservation Areas

Monmouthshire has 31 Conservation Areas, most of which were designated in the 1970s but apart from a partial review of Abergavenny c.2000 none had been fully appraised. They cover 1,648 hectares in total. They form part of a suite of heritage designations in the county including 2,200 Listed Buildings, 169 Scheduled Monuments, 44 Registered Historic Parks and Gardens and 3 Landscapes of Outstanding Historic Interest as well as part of the Blaenavon Industrial Landscape World Heritage Site.

3.3 Resourcing the Conservation Area Appraisals to date

The progress with Conservation Area Appraisals had long been recognised as a priority. Having completed the review of Trellech Conservation Area in-house it was agreed that the amount of time required necessitated bringing in additional resource. It was not until in 2009 a Planning Improvement Grant was secured from Welsh Government that Monmouthshire County Council was able to commission consultants to carry out Appraisals. The budget did not allow for all 31 areas to be reviewed but the following 18 conservation areas were selected as the priorities:

Abergavenny	Llandogo	Raglan
Caerwent	Llanover	St Arvans
Chepstow	Llantilio Crossenny	Shirenewton
Grosmont	Magor	Tintern
Llanarth	Mathern	Usk
Llandenny	Monmouth	Whitebrook

Tenders were invited and CDN was appointed in 2009 and the work completed in 2012 at a cost of £89K. The delay in going out to public consultation was a consequence of a period of limited resources to carry out the necessary editing of the draft reports received.

3.4 Public Consultations September 2015

The form of public consultation agreed was a series of drop-in meetings where members of the public could come and see the plans displayed, view the draft appraisal documents and discuss issues with officers, primarily the Heritage team. The draft appraisals were also made available on the Council's website.

Meetings were held as follows:

Usk 3rd September (*Usk, Raglan, Llandenny*)

Chepstow 7th September (*Chepstow, Tintern, St Arvans, Llandogo, Mathern*)

Abergavenny 9th September (*Abergavenny, Llantilio Crossenny, Llanover, Llanarth*)

Monmouth 16th September (*Monmouth, Grosmont, Whitebrook*)

Caldicot 29th September (*Magor, Shirenewton, Caerwent*)

Magor 19th October (extra meeting to respond to concerns that insufficient local people attended the consultation at Caldicot)

The primary focus was to seek local views on the existing and proposed boundaries. Comments could be made verbally, by email, through completing pro-formas or through longer letters and representations. The consultation ended on 31st October.

Attendance at the consultations was variable:

Usk (26); Chepstow (39); Abergavenny (41); Monmouth (18); Caldicot (15) and Magor (16), making a total of 155 attendees.

3.5 Summary of Consultations received

All comments, verbal, completed pro-formas, emails and letters have been considered by the Heritage Managers.

Most comments were supportive of the process and of the way staff conducted the various events. The majority of comments were either providing typographical or factual corrections or were focusing on a specific issue related to their own property.

Specific comments to note or to be actioned are identified in the next section.

3.6 Specific comments received and proposed action to be taken

Conservation Area	Subject of consultation response	Recommended action
Abergavenny	One comment expressed concern at the number of empty buildings owned by Monmouthshire County Council	Heritage Managers to investigate what empty properties MCC owns in Abergavenny and explore if they are eligible for the Town Centre Loan Scheme.
	One comment expressed concern about the gradual erosion of historic character through window and door changes and removal of chimneys	Heritage Managers to explore the potential for, and resource implications of, an Article 4 Direction to remove Permitted Development Rights on these aspects of the Conservation Area.
	Cllr Tatum supports the extension of the area to include the former railway barracks.	Include but modify consultant's recommendation by removal of modern building at roundabout as it has no historic merit.
	Cllr Edwards recommended that Oxford Street, Richmond Road and Priory Street should be included as should Bailey Park.	Heritage Managers to consider whether this historic character is best protected through an extension of the existing conservation area or the creation of a specific new one. Members to note that the extended area marked by Cllr Edwards on an accompanying plan also includes the former Cattle Market site, decisions about which have already been made.
	<p>Abergavenny Civic Society</p> <p>The Society welcomed the Appraisal which they "regard as sound, perceptive and interesting". They also say that "awareness of its content has already been valuable as a context for our own [i.e. ACS] characterisation study of the entire urban area".</p> <p>However their main criticism is that the consultants "have failed to provide adequate guidance on how</p>	<p>Recommended that the Appraisal can adequately inform future development proposals as it stands</p>

	<p>development proposals may satisfy policy HE1.”</p> <p>The society also expressed concern at the delay since the preparation of the drafts and the missed opportunity for the appraisal to have informed a number of planning decisions in the intervening period.</p> <p>They support the boundary changes with one exception – that the extension to include the railway yard area south of Brecon Road should be reviewed as since the preparation of the draft there has been clearance of buildings and redevelopment which has affected its character.</p> <p>They also ask that 5 additional areas are considered (these are shown in ACS annotated map at Appendix 1):</p> <p>a) area between Hereford Road and Ross Road on account of its character deserving of conservation area status;</p> <p>b) area immediately to the north of this (north of old railway)</p> <p>c) Lansdown Road</p>	<p>Heritage Managers to review this proposed extension. Its character is mixed with some out of keeping modern buildings. It may now be appropriate to remove this whole area from the proposed conservation area.</p> <p>This comment was also made by Cllr Edwards - the recommended action is as above for Heritage Managers to survey and advise on conservation area merit. Initial findings are that this area meets the criteria of being an area of special architectural and historic interest.</p> <p>Heritage Managers to survey and advise – initial view is the case for extension here is less clear than it is for the preceding area as the character is later and less significant.</p> <p>Heritage Managers to survey and advise – initial view is that this is detached from the existing area and the potential Hereford Rd/Ross Rd area and whilst the road retains good character it may not be of sufficient quality in itself to merit designation as a stand-alone conservation area.</p>
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	<p>d) northern part of Pen-y-pound including some listed buildings</p> <p>e) Belgrave Road extension</p> <p>In addition they ask that Bailey Park be included.</p> <p>Re Article 4 Directions the Society supports recommendations for them but feels the Appraisal offers insufficient detail</p>	<p>Heritage Managers to survey and advise. Initial view is that there is a good case for slight extension of the boundary as proposed by the Civic Society.</p> <p>Heritage Managers to advise – initial view is that this building at the junction of Western Road is of a different character to that which justifies conservation area designation of this part of the town and that the boundary as proposed in the appraisal is correct.</p> <p>This has been considered before but Heritage Managers will review again</p> <p>Policy decision to be made on Article 4 Directions and the associated resource implications.</p>
Caerwent	Cllr Murphy identified typographical and factual errors	Typos had already been corrected and where circumstances had changed since writing of the draft (e.g. the nursery closing and proposed as a dwelling) it was decided not to amend and to accept the appraisals as an assessment at a particular date.
	James Harris sent lengthy written comments citing errors or points of disagreement and expressing concern over the management of the heritage by the Council and by Cadw	Factual errors have mostly already been corrected. Other comments have been noted.
	Clerk to the Community Council expressed concern at the proposed amendment of the boundary to take out a small area to the east including Caerwent Gardens and Vicarage Gardens	This small area contributes nothing to the special character of Caerwent and as such does not merit retention in the conservation area. It is recommended to follow the proposal in the draft report.
Chepstow	A view was expressed at the consultation event that the Garden City should be included. Page 65	Garden City should be assessed by the Heritage team re whether it should be a separate conservation area. Joining it up to Chepstow

		CA would not be feasible on account of the intervening built area not meeting the criteria for conservation area status. Many parts of the Garden City have been adversely affected by later alterations and so the further review will need to balance this against the historic and architectural interest of the original.
	Cllr Farley asked that the Garden City be considered for inclusion. He advocated greater enforcement action taken to protect the character of the conservation area and he recommended considering appointing “conservation ambassadors” and building closer links with the Civic Society.	As above it is agreed the Garden City should be further assessed. Enforcement action is taken where necessary but has to be prioritised to match existing staff resources. Conservation ambassadors is perhaps something for the Town Council to promote and closer relations with the Civic Society would certainly be welcomed.
	Chepstow Town Council supports much about the appraisal but objects to the proposed removal of Mount Way and Garden City Way. It advocates the extension of the area to include the Garden City and to continue much further up Welsh Street towards the racecourse roundabout.	Heritage Managers to review boundary, in particular re Garden City which has been raised by many people.
	Cllr Le Peltier urges Article 4 Directions to be introduced	Planning Committee are invited to consider the resource implications; Heritage Managers can advise.
	Savills object on behalf of Mabey Bridge to the extension of the Conservation Area to the east on three grounds: no visual or practical connection between the proposed area and the closest parts of the conservation area; the extension is not necessary as Brunel House and the railway bridge are already listed; most of the land is allocated for redevelopment	Heritage Manager to review boundary; however a link is felt to exist and the presence of listed buildings is not a reason not to designate conservation areas where the criteria of historic and architectural special interest is identified. The designation would not impact on the proposed redevelopment as the heritage is already recognised given the presence of listed buildings. However it is accepted that the area which this boundary extension seeks to protect is in fact equally protected already by virtue

	therefore will be subject to substantial change.	of it being in the curtilage and setting of the listed structures. Accordingly Planning Committee are invited to consider whether it would add any benefit to extend the boundary to include this area. Also to consider whether greater benefit would be achieved through an appropriate S.106 agreement attached to the anticipated development.
	One comment objected to the proposed amendment to the boundary to the north-west to remove Mount Way but this was for reasons of concern over development threat in the area.	Recommended to amend as the boundary as shown in the appraisal. This small part of the conservation area now has modern housing that does not merit being part of the designated area.
	One respondent objected to the lack of an Equality Impact Assessment. Also felt that the existing conservation area was too large to be effectively managed and cited two properties in particular that he urged action on –No 5 Mount Pleasant and Rosedale.	Advice received is that an EIA was not required for this particular consultation. Heritage Monitoring Officer has inspected No 5 Mount Pleasant and advised and a Planning Enforcement Officer is negotiating improvements to Rosedale – action has therefore been taken.
	Chepstow Civic Society accepts most of the proposals but like other commentators the society argues for the inclusion of the Garden City housing. It notes a number of inaccuracies and it expresses concern about the adverse impact of parked cars in key views of and from the castle.	As above Heritage Managers to review Garden City as to whether it meets the criteria for Conservation Area designation.
Grosmont	Three consultation responses cited the discrepancy in the document where the map showed proposed removal of two small areas to the west side of Grosmont whereas the text referred to no boundary changes.	For those who attended the public meetings this was clarified as an anomaly that we have no explanation for. The officers' recommendation has always been to follow the text and retain the existing boundary and this is reinforced in the light of comments received.

Llandenny	One respondent provided detailed and helpful factual corrections and extra historical information.	Corrections to be made; information to be noted.
Magor	<p>Cllr Taylor concerned that: the conservation area had in some instances suffered and that the Appraisal was an opportunity to improve; the reduction in the size of the area could put trees at risk and asked that TPOs be considered;</p> <p>Sycamore playing field is a key green space and should be retained within the CA; And questioned the removal of Pond Cottage and asked why some properties on Newport Road had not been included.</p>	<p>The Appraisal is intended to raise awareness of the character that needs to be preserved. Heritage Managers have already spoken to the Tree Officer who has assessed the impact on trees and is content that no further action is required.</p> <p>Heritage Managers to survey and review. Initial view is that the playing field is not in itself the setting of a building of special interest and that it is safeguarded through alternative legal protection; Pond Cottage is not being removed from the area though it is acknowledge it is in poor condition and in need of repair. Initial view is that the boundary on Newport Road is correct as drawn.</p>
	One comment focused on one of those points above – the playing fields and objected to their removal from the area.	Given the number of comments about the proposed boundary change – Heritage Managers to review again the existing and proposed boundaries.
	One comment expressed concern that taking the areas of modern housing out of the conservation area removed the buffer zone to the historic core of Magor; also commented that signage should be improved	Ditto
	Several comments expressed view that they could not see the point of the proposed conservation area boundary change	Ditto
	One comment asked for the boundary at various points - Pond Cottage, Ty Cornel and Procurators House to be reviewed.	Heritage Managers to survey and review. Initial view is that Ty Cornel may be more appropriate out of the conservation area rather than within; the boundary should precisely follow the perimeter wall

		of the Procurators House and the maps will be checked to verify if this is the case. Pond Cottage is definitely in the Conservation Area.
	One comment expressed particular concern about Manor Farmhouse and Pond Cottage.	Heritage Managers to consider what action could be taken to address these buildings at risk. Environmental Health officers will be contacted regarding Manor Farmhouse.
	One comment felt the consultants had proposed reducing the size of the area too much but supported MCC officers views on retaining more of the existing area.	No action needed.
Monmouth	Comments received that the Wye Bridge and Wyesham should be included in the Conservation Area. This is an extension the consultants had not recommended.	Wye Bridge is listed and whilst the river is an essential part of the setting of Monmouth it is felt that the eastern river bank and Wyesham have suffered adverse development and accordingly do not merit inclusion in the conservation area.
	One respondent objected to the proposed amendment to the boundary towards Osbaston as it would include their house.	Heritage Managers to inspect – initial view is that the building merits inclusion within the conservation area; the concern at its inclusion was more to do with perceived impact on future development but in reality this is controlled anyway by virtue of being outside the development boundary.
	One respondent advocated greater attention to signage.	Much effort is already spent on trying to control signage but it is so often retrospective action addressing unauthorised works.
Raglan	One comment relates to Orchard Lea and objects to its proposed inclusion in the conservation area believing that it will prevent the carrying out of further improvements.	Boundary to remain as proposed.
Tintern	One comment said the area looked “scruffy”	Heritage team to review the feasibility of carrying out a

	appraisal was not going to do much to change this.	Presentation Audit with a view to rationalising signage as one way of lifting the appearance of the area.
Usk	Mill Street – this is currently in the Conservation Area but consultants recommended its removal. One comment received supported the consultant’s opinion. Officers on the other hand judge it to retain distinctive period character and whilst different from the majority of Usk Conservation Area recommend that the boundary is unchanged in this respect.	Retain Mill Street within the Usk Conservation Area and leave the boundary in this respect as it has been since 1975.
	<p>Usk Civic Society notes a number of inaccuracies.</p> <p>It supports the amendments to the Conservation Area boundary and officers decision not to remove Mill Street.</p> <p>It agrees with Article 4 Directions but would wish to be consulted on detailed proposals at draft stage.</p> <p>It recommends a number of areas of the town for enhancement and would wish to see draft proposals.</p>	<p>These are noted.</p> <p>If Article 4s are drafted and/or enhancement proposals prepared the Civic Society will be consulted at an early stage.</p>
	One comment felt the proposed boundary appeared on the west side of the river should instead be along the levy flood bank and up and across the old railway bridge.	Heritage Managers to review the boundary.

3.3 Next Steps for the Draft Appraisals

- 3.3.1 Many of the comments received have cited errors. Where these are errors such as the name of a building or road these should be changed but where the discrepancy relates to a change in circumstance since the date of the fieldwork carried out by the consultants then we will leave the text as it is. The appraisals are a record of a particular time and there is a risk of continually updating them to take account of ongoing developments.
- 3.3.2 Some have asked for a Council response to their comments but the resource implications of ongoing feedback needs to be carefully managed. This report to Committee has provided initial responses to many of the comments.
- 3.3.3 In some cases (e.g. Abergavenny and Chepstow), comments received raise the question as to whether a whole new conservation area should be designated to recognise significance noted but well outside the existing area. In some cases comments received compel us to review proposed minor amendments to boundaries (e.g. at Chepstow and Monmouth)
- 3.3.4 Final versions of the Conservation Area Appraisals need to be made and issued in English and in Welsh.
- 3.3.5 Where areas are taken out of designation it removes the automatic protection afforded to trees in conservation areas. The Tree Officer has asked for opportunity to consider if any of these affected trees merit Tree Preservation Orders though initial view is that there is no resulting action needed.
- 3.3.6 The need to consider the introduction of Article 4 directions has been raised both by the consultants and by some of the comments so a response needs to be agreed. If the decision is that they should be introduced in appropriate parts of certain conservation areas these will need to be reviewed in detail by Heritage Managers and sufficient resource allocated. The process would involve survey to identify the specific features or characteristics which would benefit from removal of permitted development rights and then a process of consulting owners affected would need to be managed. The pros of supporting the preservation of the conservation area (e.g. retention of more traditional windows on unlisted buildings) needs to be considered against the resource needed to manage additional applications for consent that could result from introducing Article 4 directions. The resource needed to manage enforcement action that would inevitably arise should also be taken into account.

3.4 Next Steps for the remaining Conservation Areas

- 3.4.1 The remaining conservation areas that still need to be appraised in line with legislative guidance are:

Bettws Newydd	Itton	Rockfield
Caldicot Castle	Llanhennock	Rogiet Llanfihangel
Dixton	Mounton	Skenfrith
Hendre	Pen-y-fal	Tredunnoch

- 3.4.2 Funding needs to be allocated. It is recognised that there is insufficient in-house resource to carry out these appraisals on top of all the day to day conservation work and therefore, as before, a consultant needs to be appointed. A Brief needs to be written and tenders invited.
- 3.4.3 Monmouthshire is one of the few local authorities in Wales to be granted delegation from Cadw to determine listed building consent applications. It is essential to the

retention of delegated authority that Monmouthshire continues to be regarded as delivering a high quality conservation service. Part of this is effective management of our conservation areas and as such it is important that the current appraisal process is concluded as soon as possible and that the remaining areas are programmed for appraisal during 2016.

4. REASONS:

4.1 Draft Conservation Area Appraisals have been completed and consulted upon and now need to be finalised. The local authority has a legal requirement to review its conservation areas.

5. RESOURCE IMPLICATIONS:

5.1 With regard to the existing Appraisals the resource implications are:

- officer time and costs associated with the review of consultation comments received;
- officer time and costs in reviewing and scoping out revisions to boundaries and notifying owners accordingly;
- officer time and costs in identifying potential new conservation areas and in managing the follow up public consultation;
- if Article 4 directions are introduced there is an up-front resource demand in drafting and notification and thereafter officer time and costs in monitoring and determining applications;
- completion of the draft documents, adoption of the Appraisals as Supplementary Planning Guidance;
- production of documents for public use.

5.2 The further phase involves preparation of Conservation Area Appraisals for the remaining conservation areas and carrying out the required consultation exercises for which it would be necessary to outsource this to a suitably qualified consultant and the estimated consultant budget is £25K. By the end of this process Monmouthshire would have up to date appraisals for all its conservation areas.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS

6.1 Conservation Area Appraisals are adopted as Supplementary Planning Guidance and as such are part of a suite of guidance to complement the Local Development Plan to ensure suitable and sustainable development within MCC. These documents support the preservation and enhancement of local identity and culture.

There is neutral impact on Equality and there are no discrimination issues.

7. CONSULTEES:

- Head of Planning
- Head of Legal Services
- Development Management Officers

8. BACKGROUND PAPERS:

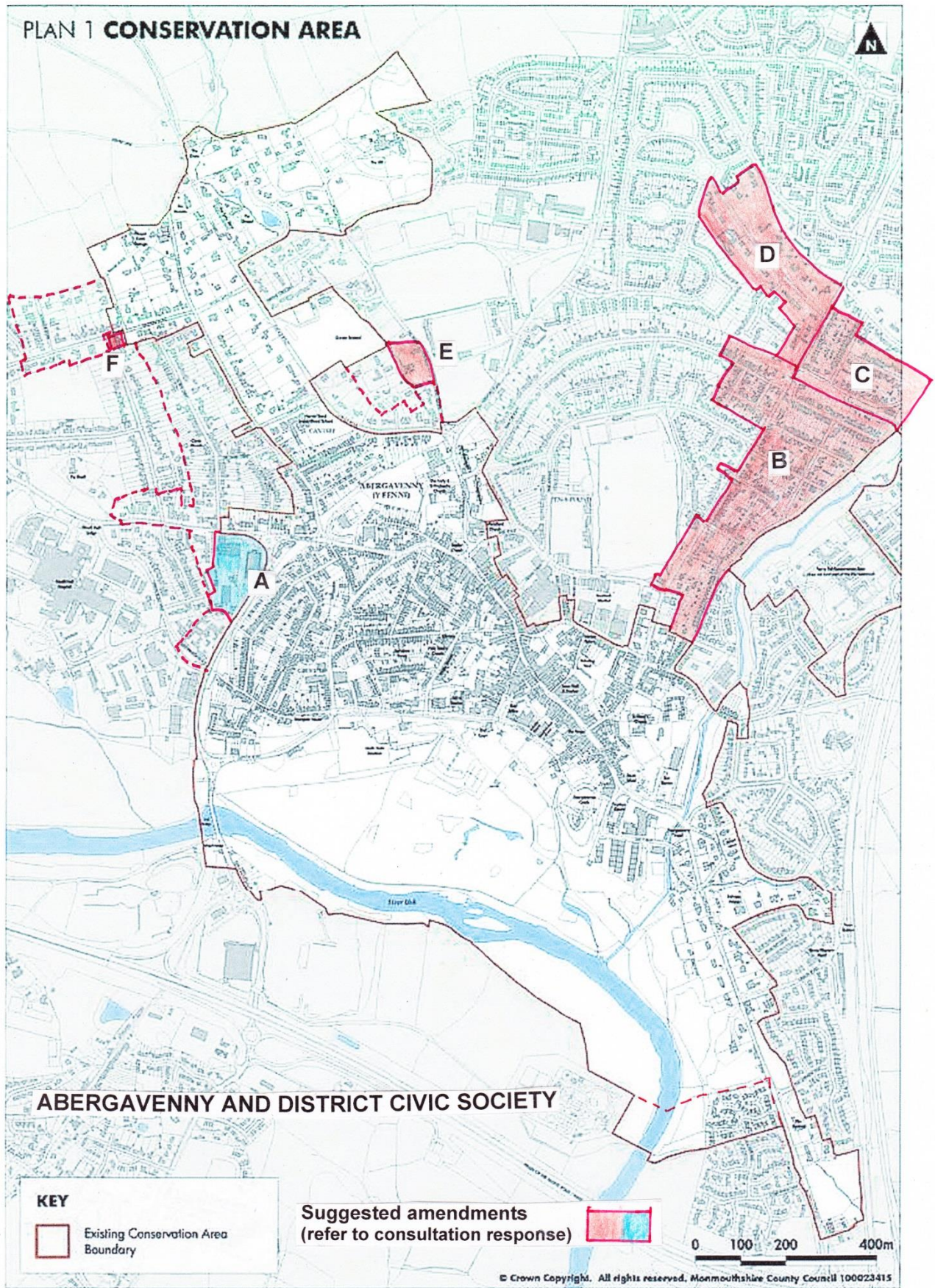
Monmouthshire Local Development Plan
Welsh Office Circular 61/96
Planning (Listed Buildings and Conservation Areas) Act 1990

9. AUTHOR & CONTACT DETAILS:

Edward Holland (Temporary Heritage Manager).

Tel: 01633 644480

E Mail: edwardholland@monmouthshire.gov.uk



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New Appeals 18/11/15 to 17/12/15

Application Number	Site Location	Dev Description	Appeal Start Date	Type of Appeal	Appeal Against
DC/2015/00821	The Two Rivers Hilltop Newport Road Chepstow NP16 5BT	2 Internally illuminated wall signs. 1 Internally illuminated totem.	16/12/2015	Advertisement	Against a Refusal

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/11/15

**gan Melissa Hall BA(Hons) BTP MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 30/11/2015

Appeal Decision

Site visit made on 12/11/15

**by Melissa Hall BA(Hons) BTP MSc
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 30/11/2015

Appeal Ref: APP/E6840/A/15/3130477

**Site address: Greenmeadow, Llanellen, Nr Abergavenny, Monmouthshire NP7
9HG**

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Malcom Francis against the decision of Monmouthshire County Council.
- The application Ref DC/2014/01038, dated 19 August 2014, was refused by notice dated 31 March 2015.
- The development proposed is the conversion of a disused dairy / barn into a self contained dwelling.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed conversion upon policies imposing a strict control over development in the countryside in order to protect the character and appearance of the surrounding area.

Reasons

3. The appeal building is located some 30 metres north of an existing bungalow known as Greenmeadow. It is separated from this dwelling by a tall hedge but shares the vehicular access from the highway. There are fields to the north, east and west of the site.
4. Although the surrounding area has a predominantly rural character, the site is grouped with several other buildings associated with Greenmeadow. The appeal building is one of several buildings (which includes existing dwellings) scattered outside, but in close proximity to, the dense built form in the settlement of Llanellen.
5. I understand that the former dairy / barn for which the conversion to residential use is sought was constructed in the 1960's. It is part two storey with a dual pitched roof and part single storey with a mono pitched roof. The building is of rectangular form,

and of steel frame construction with rendered block infill and a corrugated asbestos cement sheet roof.

6. For the purposes of the adopted Monmouthshire Local Development Plan 2014 (LDP), the appeal site is defined as being within the open countryside where changes of use of buildings to residential use are subject to strict control. This reflects the national planning policy approach set out at paragraph 4.7.8 of Planning Policy Wales, Edition 7 July 2014 (PPW).
7. Although LDP Policy H4 allows for the conversion or rehabilitation of buildings in the open countryside for residential use, criterion (e) states that buildings of modern construction and materials such as concrete block work will not be considered favourable for residential conversions.
8. The appellant states that there is no clear definition in the LDP of what constitutes 'modern'; rather, this term covers a wide range of styles and functions of a building. He contends that the building is from the early steel framed period and so, in that sense, is not 'modern' as its construction does not allow for what would now be considered modern agricultural techniques and requirements for mechanisation. This can be seen from its small scale, restricted height and pedestrian door openings.
9. The Council has provided me with a copy of its Supplementary Planning Guidance 'Conversion of Agricultural Buildings Design Guide' April 2015 (SPG). From my reading of the SPG, it is clear that it is intended to relate primarily to the overarching aim of retaining and preserving traditional agricultural and rural buildings, thereby safeguarding the character and appearance of the countryside. It is helpful insofar as it describes the characteristics of historic farm buildings as *inter alia* generally made of stone, brick or timber-framing and normally having a slate, stone or pantile roof.
10. As the appeal building has been constructed using a steel frame, concrete block work and corrugated sheets, and dates circa 1960s, I am of the opinion that it represents a building of modern construction and materials. Whilst I accept that these materials have generally been used for a period in excess of 50 years, there is no substantive evidence that the characteristics of this particular building are such that it is of particular individual merit, has intrinsic architectural value, or that it is constructed of traditional materials that make a positive contribution to the character and appearance of the rural area. Neither is there compelling evidence that it acts as a clear visual reminder of the history or connections with the area or that it is a vernacular building.
11. On the evidence before me, therefore, the building cannot properly be considered a traditional agricultural or rural building for which a re-use for residential purposes in order to protect its historic or architectural merit would be desirable. In this context, the proposal would be contrary to criterion (e) of LDP Policy H4 and the thrust of the SPG.
12. My attention has been drawn to Paragraph 3.2.3 of Technical Advice Note 6 'Planning for Sustainable Rural Communities' which requires conversions to respect the landscape and local building styles and materials. I do not dispute that the Council does not take issue with the appearance and visual impact of the proposal.
13. I have also been provided with a copy of a letter from a firm of chartered surveyors, confirming that the appeal building is not suitable for business use and that there is sufficient availability of commercial properties within a 10 mile radius of Llanellen.

14. Whilst I do not disagree that the proposal may comply with other criterion in Policy H4, these matters would not outweigh the conflict with criterion (e) that I have described.
15. I also note that, although the appeal building is in the open countryside for the purposes of the LDP, it is not situated in an isolated location but in close proximity to the settlement of Llanellen. Nevertheless, I am not persuaded that allowing incremental changes to modern rural buildings resulting in a more widespread distribution of residential development in the countryside outside existing settlements would safeguard its character. To this end, it would conflict with the aims of paragraph 9.3.3 of PPW which states that the cumulative effects of development or redevelopment should not be allowed to damage an area's character.

Other Matters

16. The appellant has drawn my attention to what he considers to be two similar forms of steel framed structures for which planning permission has been granted for conversion under planning application Refs DC/2006/00009 and DC/2008/00082. Other than the planning application numbers, I have been provided with details pertaining to application Ref DC/2006/00009 only.
17. Nevertheless, the details provided in respect of this application are limited to an extract from a structural appraisal report dating the steel framed building to 1902 together with a photograph of the building. I acknowledge that the appellant disputes the presence of such a building from this period given that it is not shown on any map of that location. However, as I do not have the full facts of that case before me, I cannot comment on whether the information submitted with the application accurately dated the building and provided compelling evidence that it was not a 'modern' structure or the exact circumstances in which planning permission was granted by the Council. Be that as it may, each proposal must be determined on its own merits, which is what I have done.

Conclusion

18. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Melissa Hall

INSPECTOR

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Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 22/09/15
Ymweliad â safle a wnaed ar 22/09/15

**gan Declan Beggan BSc (Hons) DipTP
DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01/12/15

Appeal Decision

Hearing held on 22/09/15
Site visit made on 22/09/15

**by Declan Beggan BSc (Hons) DipTP
DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 01/12/15

Appeal Ref: APP/E6840/C/15/3049676

Site address: Clawdd y Parc Farm, Llangybi, Usk, NP15 1NY

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is made by Mr Arun Patel against an enforcement notice (EN) issued by Monmouthshire County Council.
- The Council's reference is E15/049.
- The notice was issued on 1 May 2015.
- The breach of planning control as alleged in the notice is 'unauthorised operational development comprising of works to convert barns not in compliance with planning permission DC/2009/00783 and DC/2012/00476 outlined in orange on the attached plan'.
- The requirements of the notice are:
 - A) Cease the unauthorised construction works
 - B) With regard to DC/2012/00476:-
 - Remove render on the north elevation gable as shown on approved drawing 12-007-PL-02 Revision A outlined in blue.
 - Remove render on south elevation as shown on approved drawing 12-007-PL-02 Revision A outlined in blue
 - Replace all windows and doors with painted timber windows and doors as specified on approved drawing 12-007-PL-02 Revision A
 - Remove fascias and soffits and replace with dark grey painted timber fascias and soffits as specified on approved drawing 12-07-PL-02 Revision A
 - Replace rainwater goods with black painted galvanised steel rainwater goods as specified on approved drawing 12-007-PL-02 Revision A
 - Replace door on south elevation with timber door as shown on approved drawing 12-007-PL-02 Revision A.
 - Plant hedgerow as shown on approved drawing 12-007-PL-02 Revision A
 - Remove garden area to the south of the barn and implement the hard landscaped courtyard as shown on approved drawing 12-007-PL-02 Revision A
 - C) With regard to DC/2009/00783:-
 - Remove block work walls shown in green on approved plan 1114 008 Revision B
- The periods for compliance with the requirements are,
 - A) 1 day from the date the Notice takes effect
 - B) 3 calendar months from the date the Notice takes effect
 - C) 3 calendar months from the date the Notice takes effect
- The appeal is proceeding on the grounds set out in section 174(2), (a) of the Act. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under Section 177(5) of the Act falls to be considered.

Decision

1. The appeal is dismissed and the EN is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Background

2. The appeal site is located in undulating open countryside within the Usk valley, approximately 2 Km to the west of the settlement of Llangybi. The barns the subject of this appeal form part of a complex of buildings that include a farmhouse and former agricultural buildings which have either been converted to residential use or have an extant permission for such a use. In addition to these buildings there are other agricultural buildings, one of which has an extant planning permission for conversion to horse stables along with an area of land nearby to be used as a manège, whilst the other agricultural building is a steel framed Dutch barn which is in a very dilapidated condition; these buildings when viewed with the complex of stone buildings add to the agricultural character and appearance of the area. The barns are set back approximately 120 metres from the road that leads to Llangybi. The site is in clear view of a public footpath that runs in close proximity to the complex of buildings.
3. Planning permission was granted in 2010 for the extension of the existing farmhouse and the residential conversion of 4 barns¹. This permission, which commenced in 2010, included the two barns which are the subject of this appeal. Subsequently in 2012, one of the barns referred to in the EN was granted another planning permission² for its redesign to allow for an extension and other works; for ease of reference hereafter referred to as barn 1, with the other barn granted under the 2010 permission referred to as barn 2. The conversion and extension works carried out on both barns differ materially from that given planning permission in 2010 and 2012, resulting in the serving of the EN to which this appeal relates.

The appeal on ground (a) and the deemed application

4. In accordance with section 177(5), the planning permission sought is derived from the terms of the allegation in the notice, in this instance the conversion and extension of former agricultural barns to residential use. At issue is the effect of the development on the character and appearance of the area taking account of policies DES1, H4 and S17 of the Monmouthshire County Council Local Development Plan adopted in 2014 (LDP), and guidance contained within the document entitled 'Conversion of Agricultural Buildings Design Guide Supplementary Planning Guidance' (SPG).
5. The appellant has provided an alternative set of drawings in relation to the deemed application and has requested that these form the basis of my determination. The plans seek permission for conversion works as built to allow for the following works;
 - Retention of the fitted aluminium framed doors and windows on barn 1
 - Retention of the fitted aluminium framed door on the south elevation of barn 1

¹ Planning permission Ref. DC/2009/00783, granted 30 April 2010 for the proposed extension to farmhouse and residential conversion of 4 barns

² Planning permission Ref. DC/2012/00476, granted 9 November 2012 for the redesign of barn 1 (approved under DC/2009/00783) to include an extension to provide a kitchen/dining area, air heat source pump enclosure and associated landscaping.

- Retention of grassed garden area to south of barn 1
 - Retention of extension sited on the northern elevation of barn 2 with amended roof and other works
 - Retention of new extension to barn 2 to provide for a kitchen with amended roof and other works
6. In all other respects the alternative set of drawings would comply with the development permitted by the Council under the 2010 and 2012 planning permissions, and would comply with the other requirements of the EN. It is established law that permission can be given at appeal, for all or part of a development, providing that the resultant permission is for the whole or part of the breaches alleged in the EN. In this instance it is clear the alternative plans relating to barn 2 would involve development that is substantially different to the matters constituting the breaches in the notice as development would involve the following,
- Partial demolition of the existing 'as built' end gable and roof structure on the new extension to the west elevation of barn 2, and its replacement with a modified roof structure that varies in height and design, in addition to a new stone clad exterior to the gable of the new extension, and the infilling, and external rendering of a substantial opening on the extension's north elevation with that opening having two windows.
 - Partial demolition of the existing 'as built' end gable extension to barn 2's north elevation including the roof structure, and its replacement with a modified roof structure that varies in height and design; in addition, on the west elevation a substantial new window opening would be created to replace two existing openings and the gable wall would be stone clad.
7. These works the subject of the alternative scheme would in their entirety go beyond the powers available to me under Section 177(1) of the Act; consequently notwithstanding the fact that the appellant has presented these plans in an attempt to overcome some of the Council's objections, I am unable to take them into consideration in determining the deemed application. My determination has therefore been made on the basis of the plans that formed the original application to the Council.

Main Issue

8. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.
9. In planning policy terms LDP policy H4 is permissive of the conversion of buildings in the open countryside to residential use, subject to a number of criteria being met, including that the form, bulk and general design of the proposal, including any extensions, respects the rural character and design of the building, that the proposal is in scale and sympathy with the surrounding landscape, that the more isolated and prominent a building the more stringent will be the design requirements with regard to new door and window openings, extensions and garden curtilage, and, that only very limited modest extensions will be allowed. The policy is supported by advice contained within the adopted SPG. In effect policy H4 therefore permits such conversions if the details of the conversion are in keeping with the original building and the architectural idiom of the area.

10. In regards to the extensions as built, these are materially different from either of the permissions previously granted. As regards to the new extension on the western gable of barn 2, it has been elongated in such a way that it steps down in height in contrast with the design of the original structure which gradually steps upwards in a westerly direction. In addition, the extension closes an important visual gap between the barn and a smaller outbuilding that is being converted into a garage to serve barn 2; the visual gap between the barn and the new garage is important as it assists in emphasising the simplistic form and the scale of barn 2, which would otherwise be lost with the extension as built, notwithstanding the previously permitted low level enclosure that occupied that space.
11. I recognise the previously permitted extension to the northern elevation of barn 2 allowed for a wide glazed opening; however this is the exception to the form and scale of that barn's other openings. The proposed new window openings to the western extension vary in scale and form to the general form of those previously permitted; they have a much more modern appearance which appears at odds with the form of the rest of the barn.
12. Turning now to the extension as built onto barn 2 on its northern elevation. The extension occupies the approximate foot print of that permitted under planning permission Ref. DC/2009/00783, however its form and appearance is markedly different to that given permission due to it having a much higher double pitched roof, as opposed to the previously permitted lower mono-pitch roof. In addition, the window openings also vary considerably in scale and form to those previously permitted. I consider this extension does not respect the simple design of the barn and would detract from the rural setting.
13. Having considered both extensions individually, I now consider their cumulative impact. Policy H4 refers to extensions to barn conversions being modest, whilst the SPG refers to any extensions being subject to strict criteria controlling their effect on the character and setting of the existing building and/or any group value. Whilst the policy does not define modest, I do not consider the appellant's use of LDP policy H6 that allows for extensions to dwellings in the open countryside upto 30% of their original volume is comparable, as the nature of development is materially different. The fact of the matter is that barn 2 has been granted a modest extension to its northern elevation, however, when that extension, or the extension as currently built, is combined with the extension erected on the western gable, the footprint and form of the barn is considerably enlarged by those extensions which I do not consider could be reasonably described as modest.
14. In support of the retention of aluminium framed windows to barn 1 it is argued the use of similar windows have been permitted on the nearby barn known as Long Porth Barn, however, I have not been provided with the full circumstances relating to that decision including in respect of the planning history and the development plan context in which that decision was taken; in any event I have considered this proposal on its own merits. The appellant drew my attention to barn 7 on the site where it is argued aluminium framed windows, its extension and roof treatment are similar to the development the subject of this appeal, however, those works have not been granted planning permission and are therefore not comparable, irrespective of whether or not they may benefit from immunity from enforcement action.
15. The appellant is of the view that the windows and doors as fitted to barn 1 with their industrial style aluminium framing and their large glass panes are reflective of the utilitarian nature of the structure, and its original use as a barn. Contrary to this view,

I consider their proportions and appearance are more akin to a modern dwelling and result in an appearance that is very much more domestic in character than that previously permitted.

16. The Council argued barn 1, along with the other barns forming the complex of buildings had historically been fitted with traditional timber doors and windows, and provided photographic evidence to that effect. At the hearing the Council also presented photographs of the barn 1 which appeared to indicate that at least some of the windows previously fitted were of metal construction. However whilst those windows appeared to be metal framed, they contrasted markedly to the windows which have been fitted, due to the smaller sized panes, the number of those panes and the resultant increase in glazing bars; therefore they are not directly comparable.
17. The retention of the aluminium windows and doors would detract from the rural character of barn 1 and from its rural setting, and therefore are contrary to policy H4 and the SPG.
18. In regards to the retention of the enclosed grassed amenity area to the south elevation of barn 1, it is argued it would provide a much improved private amenity area because that previously permitted on the north elevation lacks any sort of privacy. However based on the permitted layout for the garden to the north elevation, there would be a new post and rail fence with boundary hedging adjacent to it, which in my opinion would provide an adequate private amenity space.
19. Contrary to the appellant's assertions, I consider the area to the south of barn 1 facing onto barn 3, does retain similarities to a courtyard irrespective of the access track through it. The appellant argues that public amenity is not affected by the introduction of a lawned area to the front of barn 1 and its enclosure with knee high timber railing, however, I consider such development leads to the erosion of the space between barn 1 and barn 3, introduces an overly domesticated arrangement at odds with the area's historical use, and detracts from the rural setting. In addition, if these works were permitted, it would be likely to result in other barns within the complex seeking similar changes that would only exacerbate any adverse impact.
20. It is maintained that the barns are not isolated structures but are seen against the complex of other utilitarian buildings which provide screening of the development from potential viewpoints. It is argued, bearing in mind the utilitarian nature of the adjacent buildings, that any effect of the development on the visual amenities of the area is modest. The complex of buildings of which the appeal properties form part, are distinctly rural in character in their use of materials, form and appearance. Inappropriate changes to these buildings such as those made, undermine not only the individual building, but also the collective worth of the group and their setting within the open countryside.
21. The site is screened from some directions but is in view from others. The proposed development is, in my opinion, markedly at odds with the character of the existing buildings, as well as some of the other nearby buildings forming the complex, and the retention of the works carried out would be harmful and prejudicial to the aims of the LDP and PPW in regards to protecting the countryside. Moreover, should inappropriate development such as this be allowed to remain in the absence of any clear justification, the Council's objective to secure appropriate conversion designs elsewhere would be undermined. Consequently the proposed development would be contrary to policy H4 of the LDP which states that conversion proposals should respect

the rural character and design of a building and be in sympathy with the surrounding landscape.

Conclusion

22. For the reasons given above, I conclude that the appeal should not succeed.

Declan Beggan

INSPECTOR

APPEARANCES

For the Appellant

Mr B Sumner BA (Hons) MRTPI	Appellant's Planning Consultant
Mr J Mead	Appellant's Architect
Mr A Patel	Appellant
Ms R Cheshire	Resident Clawdd y Parc Farm

FOR THE COUNCIL

Ms P Clarke	Planning Applications and Enforcement Manager
Ms Karen Bury	Enforcement Monitoring Officer

THIRD PARTIES

Mr G Rogers	Chairman of Llanybi Community Council
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DOCUMENTS SUBMITTED AT THE HEARING

1. Drawing No. A15-005-AP-002 Rev A, plans and elevations 'as built'
2. Drawing No. A15-005-AP-001 Rev A, plans and elevations, alternative drawings
3. Drawing No. 12-007-PL02 Rev A, plans and elevations barn 1
4. Drawing No. 1114/008/Rev B, plans and elevations barn 1 stamped 2009/00783
5. Drawing No. A15-005-AP-004 Rev A, location plan
6. Public Rights of Way Map at scale 1:2500 at A4
7. Copies of Council's notification letters dated 24 June 2015
8. Written copy of Appellant's closing remarks

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/11/15

Gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/11/2015

Appeal Decision

Site visit made on 04/11/15

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27/11/2015

Appeal Ref: APP/E6840/A/15/3132957

Site address: 6 Clos Croeso, Usk, Monmouthshire, NP15 1AZ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs K Morris against the decision of Monmouthshire County Council.
- The application Ref DC/2015/00170, dated 11 February 2015, was refused by notice dated 19 June 2015.
- The development proposed is a two storey rear extension and replacement garden room, pitched roof over garage.

Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed development on nationally important archaeology.

Reasons

3. Policy S17 of the adopted Monmouthshire Local Development Plan (LDP) (2014) seeks to ensure that all new development contributes to creating a high quality, attractive and sustainable places and, amongst other things, has regard to the historic environment. This approach is supported by Planning Policy Wales (PPW) Edition 7 (2014) paragraph 6.5.1 and 6.5.2 which make clear that: where nationally important archaeological remains, scheduled or not, and their settings are likely to be affected by the proposed development there is a presumption in favour of their physical preservation in situ; an assessment and / or field evaluation is required to determine the archaeological sensitivity of a site; and where insufficient information has been provided applications can be refused. Further guidance is contained in Welsh Office Circular 60/96 – (Planning and the Historic Environment).
4. Advice from Cadw and the Council's advisors, Glamorgan – Gwent Archaeological Trust (GGAT), indicate that the appeal site lies less than 20 metres away from the defences of the Roman Legionary Fortress of Burrium, which is a scheduled ancient monument (SAM), and inside the walls of the medieval town of Usk. Moreover, it is suggested that whilst the appeal site is not designated it is likely to contain archaeological

features of national importance and that the proposed development would have an impact on a buried archaeological resources.

5. The development proposes the construction of a two storey rear extension and replacement garden room and pitched roof over the existing garage. The Council has raised no objection to the scale or design of the development and I agree that the proposal would not have an adverse effect on the character and appearance of the area or on the living conditions of the occupiers of nearby properties. Concern has however been expressed the impact groundwork associated with the development would have an adverse effect on the archaeological resource and as a result the Council requested the provision of an archaeological evaluation of the site.
6. The appellant contends that the provision an archaeological evaluation is not proportionate to the scale of the development and that much of the ground on which the development would be constructed has already been disturbed. In support of the proposal the appellant suggests a condition requiring a watching brief and that the excavations of the foundation be carried out by an archaeologist. However, I note that nationally important archaeological remains located at a depth of approximately 0.40 metres below ground level have been excavated in a location close to the appeal site. As a consequence, I consider that without an archaeological evaluation of the site I do not have sufficient information to allow me to determine the impact the proposed development would have on, potentially, nationally important archaeology remains and as such the proposal is contrary to the objectives of LDP Policy S17 and national planning policy.
7. The appellant has drawn my attention the apparent inconsistency in the approach taken to the assessment of the proposed development and that of a proposal for the development of a site opposite the Three Salmons Hotel, Usk. Based on the limited information that has been submitted, it appears that the site opposite the Three Salmons Hotel is located further away from the SAM than the appeal site, is outside the walls of the medieval town and had been subject to considerable disturbance. As such I do not consider that the development directly parallel the circumstances of this appeal. I have in any case, determined the appeal before me on its own merits.
8. In reaching my decision I have had regard to all the matters raised including the implications of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 for small scale development at the site. However, none of these factors are sufficient to alter my overall conclusions. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/11/15

Gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 10/12/2015

Appeal Decision

Site visit made on 04/11/15

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 10/12/2015

Appeal Ref: APP/E6840/A/15/3133005

Site address: Highway Barn, Mitchel Troy Common, Monmouthshire, NP25 4JB

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Stuart Maidment against the decision of Monmouthshire County Council.
- The application Ref DC/2015/00064, dated 20 January 2015, was refused by notice dated 31 March 2015.
- The development proposed is the surrender of extant permission of extension and propose new extension with basement in new location.

Decision

1. The appeal is dismissed.

Main Issues

2. This is the effect of the proposed extension on the character and appearance of the existing building and surrounding area.

Preliminary Matters

3. The development proposes the surrender of the extant planning permission for a single storey side extension, approved in June 2007 and the construction of a single storey extension in the front elevation of the existing building and a basement extension.
4. The Development Plan for the area is the adopted Monmouthshire Local Development Plan (LDP) (2014). Policies relevant to the appeal include S1, S13, S17, H4, LC4, EP1 and DES1 which seek to ensure that development conserves and enhances the landscape of the Wye Valley Area of Outstanding Natural Beauty (AONB), is of a high standard of design and respects the rural character and distinctiveness of the area.

Reasons

5. The appeal site is situated on a small raised plateau above the rural settlement of Mitchel Troy Common, in the Wye Valley AONB. The site comprises a traditional stone built agricultural building that has been converted to a dwelling. Whilst the form of the building has been subject to some alteration it retains much of its original rural

character and appearance. Vehicular access to the site is via a private drive and there are a number of designated public rights of way within close proximity of the appeal site.

6. In order to protect the special qualities of the countryside Policy H4 requires that only modest extensions should be allowed to rural properties and that development should respect the character and appearance of the host building. In this instance, the development proposes the addition of a single storey ground floor extension and a basement extension. Whilst the single storey ground floor extension is of a scale that is subordinate to the existing dwelling, the curved design of the extension and its siting, projecting forward of the front elevation, would have the appearance of being a discordant addition to the structure which would not respect the simple, traditional, linear form of the host dwelling. Moreover, the addition of a basement extension of the scale proposed would double the footprint of the host dwelling and effectively result in the creation of a two storey dwelling. In doing so, the proposed basement extension would, by virtue of its scale, overwhelm the host dwelling and would result in the loss of the traditional character and appearance of the former agricultural building.
7. In addition, whilst the location of the host building means that the proposed development would not occupy a prominent position in the landscape, it would nevertheless, be visible from vantage points along public rights of way and as a result would have a detrimental effect on the character and appearance of the surrounding area. In these circumstances, I consider that the proposed development would be discordant and would not preserve or enhance the character and appearance of the existing rural building or the AONB and as such would not comply with the objectives of LDP Policies S1, S13, S17, H4, LC4, DES1 and EP1.
8. Further concerns have been raised about the impact of the proposed development on trees. There are a number of mature trees within the curtilage of the appeal site including two Oaks which are protected by tree preservation orders. These trees which are located to the south (T1) and west (T2) of the existing dwelling are prominent in the landscape and make an important contribution to the rural character and appearance of the area. Tree T1 is located some distance away from the property and I am satisfied would not be unacceptably effected by the proposal. However, tree T2 is located close to the existing dwelling and its canopy overhangs the roof of the property. I am mindful that no detailed arboricultural information has been submitted however, on the basis of the limited information that has been provided and my observations at the site visit I consider that the construction of the basement extension would have an adverse effect on tree T2 further detracting from the character and appearance of the area and reinforce my main conclusion. As such I consider that the proposed development would not comply with the objectives of LDP Policies S13, LC4 and EP1.

Other Matters

9. By way of mitigation, the appellant is proposing to surrender the planning permission for construction of a single storey side extension granted under application reference DC/2007/00563 in June 2007. I noted at the time of my site visit that the extension was under construction and therefore would appear to benefit from an extant consent. Notwithstanding this, I consider that the extension is of a modest scale and its removal would not provide mitigation for the proposed substantial increase in the footprint of the host dwelling.

Conclusions

10. In reaching my decision I have had regard to all the matters raised. However, none of these factors are sufficient to alter my overall conclusions. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR

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