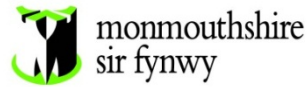


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 29 July 2019

Notice of meeting:

## Planning Committee

Tuesday, 6th August, 2019 at 2.00 pm,  
County Hall, The Rhadyr, Usk, NP15 1GA

### AGENDA

Item No	Item	Pages
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	To confirm for accuracy the minutes of the previous meeting	1 - 6
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached)	
4.1.	DC-2013-01071 - Proposed commercial development comprising two A1 retail units (Retail Unit 1 (668.90 sq. m gross) Retail Unit 2 (594.58 sq. m gross) both to be occupied by a bulky goods retailer A1 retail) and a Class A3 public house/restaurant with ancillary accommodation, associated car parking, servicing, access and landscaping at Dixton Road, Monmouth	7 - 40
4.2.	DM/2018/01064 - Conversion of existing steel framed workshop to a multi-purpose venue for filming kitchen and small residential cookery school with additional use as a holiday accommodation. Workshop, Weir House, Llantilio Crossenny	41 - 48
4.3.	DM/2019/00280 - Demolition of existing house, detached garage and outbuilding and construction of two detached houses, Thorneycroft, North Road, The North, Monmouth	49 - 60
4.4.	DM/2019/00413 - Retrospective planning application for existing garden play equipment. The Coach And Horses Inn, Caerwent	61 - 72
4.5.	DM/2019/00548 - Extension to existing agricultural building. Change of	73 - 80

	use to equestrian centre for maximum of 16 horses with external manege. Latimer Farm, Earlswood Road, Earlswood	
4.6.	DM/2019/00564 The erection of a new two storey detached dwelling, with associated parking and landscaping on land adjacent to Treff Garne, Chapel Lane, Pwllmeyric, Chepstow	81 - 90
4.7.	DM/2019/00593 - Storage barn for hay and straw. Whitehall Farm, Rockfield, Monmouth	91 - 96
4.8.	DM/2019/00595 - Change of use from a C3 dwelling house to C4 house in multiple occupation at 62 Chepstow Road, Caldicot	97 - 104
4.9.	DM/2019/00879 - Provision of pedestrian access to public car park and erection of fence and gate and associated works: The Inn Between, 53 Bridge Street, Usk	105 - 110
4.10.	DM/2019/00929 - Development proposal is for change of use from day centre to residential use at Boverton House Day Centre, Bulwark Road, Chepstow	111 - 116
4.11.	DM/2019/01049 - Conversion of rear of existing MCC store and welfare building into a public toilet with disabled access at MCC Store and Welfare Building, Mill Street Close, Usk	117 - 124

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

## MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

### Public Information

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

**<https://democracy.monmouthshire.gov.uk/documents/s5949/AMENDMENTSTOTHEPROTOCOLONPUBLICSPEAKINGATPLANNINGCOMMITTEE.pdf>**

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

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

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#### **Welsh Language**

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

# Aims and Values of Monmouthshire County Council

## Our purpose

Building Sustainable and Resilient Communities

### Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

## Our Values

**Openness.** We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

**Fairness.** We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

**Flexibility.** We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

**Teamwork.** We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

## **Purpose**

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

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

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

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

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

## **Decision-making**

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

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

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

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

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

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

## **Main policy context**

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

### *Policy EP1 - Amenity and Environmental Protection*

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

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

### *Policy DES1 – General Design Considerations*

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

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

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

#### Supplementary Planning Guidance (SPG):

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

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (adopted March 2016)
- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017

#### National Planning Policy

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

- Planning Policy Wales (PPW) 10 2018
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)

- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

### **Other matters**

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

#### Planning (Wales) Act 2015

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

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

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

#### Environmental Impact Assessment Regulations 2016

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

#### Conservation of Species & Habitat Regulations 2010



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

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

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

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

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

A number of sustainable development principles are also set out:

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

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

#### Crime and Disorder Act 1998

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

## Equality Act 2010

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

## Children and Families (Wales) Measure

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

## **Protocol on Public Speaking at Planning Committee**

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

### **Who Can Speak**

#### Community and Town Councils

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

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

Not to introduce information that is not:

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

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

#### Members of the Public

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

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

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

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

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

## Applicants

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

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

### Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

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

### Procedure at the Planning Committee Meeting

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

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

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

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd July, 2019 at 2.00 pm

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

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

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Planning, Housing and Place-Shaping
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
Louise Corbett	Strategy & Policy Officer - Affordable Housing
Joanne Chase	Solicitor
Amy Longford	Heritage Manager
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillors G. Howard and P. Murphy

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

There were no declarations of interest made by Members.

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

The minutes of the Planning Committee meeting held on 28<sup>th</sup> May 2019 were confirmed and signed by the Chair.

#### **3. Application DM/2018/01984 - Erection of two detached, three-storey houses with integral garage, including access to highway, car parking and other associated works. Land Adjacent Severn Crescent, Chepstow NP16 5EA**

We considered the report of the application which was recommended for approval subject to the 12 conditions, as outlined in the report.

Planning Committee had previously considered the application on 28<sup>th</sup> May 2019 in which it had been agreed to defer the application to enable the issue of the financial viability to be considered, having regard to the standard policy approach to request a financial contribution to the provision of affordable housing in the area.

In noting the detail of the application, it was proposed by County Councillor D. Dovey and seconded by County Councillor M. Feakins that application DM/2018/01984 be approved subject to the 12 conditions, as outlined in the report with no affordable housing contribution.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd July, 2019 at 2.00 pm

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

For approval	-	10
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2018/01984 be approved subject to the 12 conditions, as outlined in the report with no affordable housing contribution.

#### **4. Application DM/2019/00508 - Change of use of existing residential annex to also allow use as a holiday let. Barnfield, Penbidwal Lane, Pandy, Abergavenny**

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

In noting the detail of the application, it was proposed by County Councillor M. Powell and seconded by County R. Harris that application DM/2019/00508 be approved subject to the four conditions, as outlined in the report.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00508 be approved subject to the four conditions, as outlined in the report.

#### **5. Application DM/2019/00548 - Extension to existing agricultural building. Change of use to equestrian centre for maximum of 16 horses with external manege. Latimer Farm, Earlswood Road, Earlswood**

We resolved to defer consideration of application DM/2019/00548 to a future Planning Committee meeting to allow the applicant more time to provide further drawings of the proposal.

#### **6. Application DM/2019/00745 - Proposed change of use from D1 to mixed use including D1, A1 retail and A2 for use of office space. Rolls Hall, Whitecross Street, Monmouth NP25 3BY**

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



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd July, 2019 at 2.00 pm

In noting the detail of the application, it was proposed by County Councillor M. Feakins and seconded by County Councillor A. Davies that application DM/2019/00745 be approved subject to the three conditions, as outlined in the report.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00745 be approved subject to the three conditions, as outlined in the report.

#### **7. Appeal decision - 72 The Close, Portskewett, Caldicot**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 1<sup>st</sup> May 2019. Site address: 72 The Close, Portskewett, Caldicot.

We noted that the appeal was dismissed.

#### **8. Appeal decision - Troy House, Monmouthshire**

We received the Planning Inspectorate report and Welsh Government letter which related to an appeal decision following a site visit and hearing that had been held on 22nd January 2019. Site address: Troy House, Mitchel Troy, Monmouth, Monmouthshire.

We noted that it had been recommended that the application be refused.

Having received the report, the following points were noted:

- The First Minister should be invited to attend a site visit to Troy House with the Planning Committee for him to see the building that has been refused planning permission by Welsh Government.
- The decision taken meant that no form of highly vulnerable development is appropriate for the building in its location.
- In terms of flooding, it has not been recorded that Troy House has flooded. However, the data indicates that Troy House will flood and that it is located in a C2 flood zone. Therefore, the proposed uses of the building are considered inappropriate regardless of the mitigation that had been provided.
- The application had proposed that the ground floor be raised by 200 mm which would take the building out of the flood zone. The proposed new build would also be outside of the flood zone. Only the car park would potentially flood. This

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd July, 2019 at 2.00 pm

was the concern raised by Welsh Government and the principle of being in a C2 flood zone.

- The extent of the work necessary to bring Troy House back to a good condition is substantial. Urgent works notices are being prepared.
- There is a need to investigate how the building can be used, going forward.
- Planning Policy TAN 15 is in the process of being revised.

We resolved that the Head of Planning, Housing and Place Shaping writes to the First Minister inviting him to attend a site visit to Troy House with the Planning Committee for him to see the building that has been refused planning permission by Welsh Government.

#### **9. List of new appeals received - 24th April to 19th June 2019**

We noted the list of appeals received between 24<sup>th</sup> April and 19<sup>th</sup> June 2019.

#### **10. Monmouthshire Local Development Plan Revised Affordable Housing Supplementary Planning Guidance**

We received a report regarding the results of the recent consultation exercise in respect of the revised Affordable Housing Supplementary Planning Guidance produced to provide further guidance in relation to Policy S4 of the Monmouthshire Local Development Plan.

In response to a question raised regarding viability assessments on barns, it was noted that the cost of undertaking a barn conversion is higher than a new build dwelling per square metre making it difficult to secure viability assessment contributions. The policy purpose of barn conversions is to keep that traditional rural building.

It was proposed by County Councillor M. Feakins and seconded by County Councillor A. Webb that we endorse the revised Affordable Housing Supplementary Planning Guidance (SPG), with a view to it being formally adopted as SPG in connection with the Monmouthshire Local Development Plan (LDP) and to recommend this to Cabinet on 31<sup>st</sup> July 2019.

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

In favour of the proposal	-	9
Against the proposal	-	1
Abstentions	-	0

The proposition was carried.

We resolved to endorse the revised Affordable Housing Supplementary Planning Guidance (SPG), with a view to it being formally adopted as SPG in connection with the

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd July, 2019 at 2.00 pm**

Monmouthshire Local Development Plan (LDP) and to recommend this to Cabinet on 31<sup>st</sup> July 2019.

**The meeting ended at 2.58 pm.**

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# Agenda Item 4a

**Application Number:** DC/2013/01071

**Proposal:** Proposed commercial development comprising two A1 retail units (Retail Unit 1 (668.90 sq. m gross) Retail Unit 2 (594.58 sq. m gross) both to be occupied by a bulky goods retailer A1 retail) and a Class A3 public house/restaurant with ancillary accommodation, associated car parking, servicing, access and landscaping

**Address:** Land for proposed commercial development att Dixon Road, Monmouth

**Applicant:** Avenbury Ventures LLP

**Plans:** Elevations - Proposed 5424/05 Retail Unit 1 Elevations as Proposed - M, Elevations - Proposed 5424/06 Retail Unit 2 Elevations as Proposed - O, Floor Plans - Proposed 5424/07 Retail Unit 2 Floor Plans as Proposed - J, Floor Plans - Proposed 5424/08 Retail Unit 1 Floor Plans as Proposed - I, Technical Details 5424/09 Technical details cladding, eaves and opening reveals - , Other 5424/10 Site Locations and Layouts - C, Other SHF.1254.001.L.D.001 Topography and Drainage Plan - , Other SHF.1254.001.L.D.002 PROW and Access Plan - , Landscaping Plan SHF.1254.001.L.D.006 CCW Landscape character plan Cultural Aspect - , Landscaping Plan SHF.1254.001.L.D.007 CCW Landscape character plan Geological Aspect - , Landscaping Plan SHF.1254.001.L.D.002 ZTV to Roof Height - , Landscaping Plan SHF.1254.001.L.D.003 Landscape Constraints Policy Plan - , Landscaping Plan SHF.1254.001.L.D.004 Visual Constraints Plan - , Landscaping Plan SHF.1254.001.L.D.009 CCW Landscape character plan landscape habitats - , Landscaping Plan SHF.1254.001.L.D.0010 CCW Landscape character plan visual and sensory aspects - , Landscaping Plan SHF.1254.001.L.R.001 LVIA Dixon Road Monmouth - V2, Landscaping Plan SHF.1254.001.L.D.026 Landscape Strategy - , Other SHF.1254.001.L.D.011 Viewpoint Location Plan - , Tree Protection Plan Avenbury Ventures Tree Protection Plan - , Other Geo Environmental Appraisal December 2013 - , Other Planning and Retail Assessment Peacock and Smith July 2017 - , Other Air Quality Assessment December 2015 - , Transport Assessment Connect Consultants Transport Assessment July 2017 - Update Note 1, Transport Assessment Connect Consultants Transport Assessment July 2017 - Update Note 1 Appendix 2, Other Dixon Road Arboricultural Implications Assessment Dec 2013 - , FCA Avenbury Ventures LLP ,Dixon Road, Monmouth, Flood Consequences Assessment, January 2018 - , Ecology Report Pure Ecology, Dixon Road, Monmouth Ecological Appraisal Report dated October 2017 - , Design and Access Statement Design and Access Statement NWD Architects July 2017 - , All Proposed Plans 3135 P205b Revised Ground Floor Plans PH - b, Site Plan 5424/01 Site Plan - ZP, Drainage Proposed Drainage Layout Surface Water Pumping Station, Fairhurst 97438/2020 - Rev D, Landscaping Plan The Landscape Concept Plan Drawing 02 - Rev H, External Lighting Proposed lighting plan entitled "external lighting layout", drawing No40272-Q0DA-00-00-DR-E-0901 - Rev P, Transport Assessment Drawing No. 5424/01 Site Plan and a Transport Assessment Update Note dated July 2017 - Rev ZP, All Proposed Plans 3135 P206b Revised First Floor and Roof Plans PH - b, Elevations - Proposed 3135 P207c Revised Proposed Elevations PH - c, Construction Details 3135 P209 Construction Sections PH - , Location Plan 5424/010 Ordnance Survey plan - A,

**RECOMMENDATION: Refuse**

Case Officer: Ms Jo Draper  
Date Valid: 09.01.2015

## 1.0 APPLICATION DETAILS

1.1 The site sits on the north east edge of Monmouth, situated on the junction where Dixton Road, a minor arterial road leading north, meets the A40. The site is approximately 1km from the town centre. Dixton Road (A466) is a residential road and includes a number of large villa style houses (mostly 1930s and before). Immediately south of the site and along Dixton Road is the school playing fields and Monmouth Comprehensive School. To the north and east of the site is the A40. This is a busy duelled trunk road linking Newport to the M50 and carrying high volumes of commercial traffic. There are a few isolated residential properties north of the site (Dixton Road) and a veterinary surgery. Dixton Road provides the main route into Monmouth Town Centre from the north east. Open playing fields that serve Monmouth Comprehensive School form the south western boundary of the site. A small section of the western boundary sits adjacent to the residential property ('Humber Cot') on Dixton Road.

1.2 The application site extends to approximately 0.79 hectares (1.9 acres), is broadly triangular in shape and is relatively flat, although it does slope marginally to the south east corner. The application site forms an important, prominent gateway site into Monmouth from the north east.

1.3 The application site is not allocated for any purpose on the LDP Proposals Inset Map for Monmouth, but lies within the defined 'Settlement Development Boundary' for Monmouth. The north-eastern tip only of the site lies within the Dixton Conservation Area, to which Policy HE1 'Development in Conservation Areas' applies.

1.4 The site is understood to have been most recently occupied by a Victorian guest house named 'South View'. However, the building was demolished some years ago and the site has remained vacant and become overgrown since.

1.5 The site lies within a C1 Flood Zone.

1.6 The application site has an extensive history of commercial proposals and a number of planning applications submitted over the past 25 years. The planning history is as follows:

Outline planning application (LPA ref: A30727) for the erection of a 40-bed hotel was granted in September 1989;

Outline planning application (LPA ref: 32798) for the construction of a drive-thru restaurant, petrol filling station and 40-bed hotel was refused in November 1990;

Outline planning application (LPA ref: 32799) for the construction of a drive-thru restaurant, petrol filling station and 40-bed hotel (duplicate of the refused application) was allowed at appeal on 24 May 1991;

Planning application (LPA ref: 35271/73) for the construction of a drive-thru restaurant including back-up and car park facilities was refused on 18 March 1993 and an appeal later withdrawn on 18 March 1993;

Reserved matters application (LPA ref: 37274) relating to outline permission ref: 32799 was granted on 03 August 1994;

Section 73 application (LPA ref: A37167) for the variation of Condition 1A attached to planning permission ref: 32799. This application sought an extension to the period for the submission of reserved matters and commencement of development, and was granted on 03 April 1996;

Full planning permission (LPA ref: A38766) for a petrol filling station, restaurant and 36-bed motel was granted on 03 April 1996;

Planning application (LPA ref: 38677), submitted in 1995, for the erection of a 1,934 sq. m gross food store was withdrawn by the applicant;

Planning application (LPA ref: M/6893), submitted in 1995, for the erection of a petrol filling station, restaurant and 36-bed hotel was withdrawn by the applicant;

1.7 The current application proposal is a result of extensive discussions with Local Planning Authority Officers following submission of the initial 2013 scheme. The original scheme proposed the following:

Commercial Development comprising Class A1 retail unit, Class A3 drive thru restaurant, Class A3 public house/ restaurant with ancillary accommodation associated car park servicing access and landscaping.

The current planning application seeks to address the concerns raised by the Council regarding the 2013 scheme. The current proposal is for a much less intensive development. The amount and form of development on the site has been significantly reduced. The current planning application is for the following:

-Retail Unit 1 - 7,200 sq. ft (668.90 sq. m) gross Class A1 retail unit to be occupied by a bulky goods retailer;

-Retail Unit 2 - 6,400 sq. ft (594.58 sq. m) gross Class A1 retail unit to be occupied by a bulky goods retailer;

A 6,200 sq. ft (576 sq. m) gross Class A3 family pub/restaurant (with ancillary manager's accommodation at first floor level), which would be operated by Marston's;

The two retail units are proposed to be set back from the roundabout in the south western section of the site. Retail Unit 2 will bound the A40 and Retail Unit 1 will bound Dixton Road. Landscaping and planting will be provided on all sides of the development but most substantially along the Dixton Road frontage and between the proposed development and the adjacent residential dwelling.

The siting of the Marston's pub/restaurant is proposed to remain unchanged for the 2013 planning application. It is proposed to be located in the north eastern section of the site immediately adjacent to the A40 roundabout. Landscaping is proposed along the northern and eastern boundaries of the building. Ancillary accommodation will be provided at first floor level of the Class A3 public house/restaurant, which will comprise a 3-bedroomed manager's flat along with a staff office area.

In addition, the following is proposed:

-Shared parking facilities for 87 cars, including 7 disabled spaces;

-'Sheffield' style cycle stands to cater for up to 12 cycles;

- New landscaping and boundary treatments;

1.8 In support of the application, the agent has stated that the development will deliver the following:

-There will be approximately 55 new employment opportunities comprising of the following:

Marston's pub/restaurant - 41 new jobs (21 full-time and 20 part-time positions)

Two retail units - approximately 14 new full-time jobs

-Provision of much needed economic development, which is clearly a high priority in both local and national planning policy;

-Provision of modern retail units capable of attracting national multiple bulky goods retailers, which are accessible to customers travelling by car when collecting heavy and cumbersome items;

-Creation of a family orientated public house / restaurant destination capable of attracting passing traffic and tourists;

-Provision of a destination capable of clawing back expenditure that currently leaks out of Monmouth to locations such as Hereford and Newport, thereby reducing the need to travel to obtain bulky retail goods, and facilitating linked trips between the application site and the town centre;

- Opportunities will be maximised to ensure that the scheme's energy efficiency is maximised;

1.9 Although the end occupiers of the two retail units are unknown at this stage, the agent has stated that it is anticipated that they will be taken up by bulky goods retailers. In the event the application was approved this would need to be secured through a planning condition restricting the type of goods that can be sold from the retail units, to align with the assumptions made in the retail impact assessment that forms Section 7 of this Statement. The applicant is willing to accept the following restriction:

"The Class A1 retail units hereby approved shall only be used for the sale of the following categories of comparison goods:

DIY and gardening products, electrical goods, furniture, carpets/floor coverings, and pets/pet supplies together with any ancillary products and for no other use (including any other uses falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any equivalent class contained in any statutory instrument which replaces it), without prior written approval of the Local Planning Authority".

1.10 The car parking proposed is to be provided internally within the site, off the main access road and a central mini-roundabout. A new access into the site is proposed off Dixon Road, which will be utilised by customers and delivery vehicles.

1.11 The application site is bound on three sides - north, south and east - by an existing strong landscape belt. This is outside of the red line of the application site and thus the control of the applicant. In the case of the north and east this is part of the trunk road and in the control of the Welsh Government. It is indicated in the strategy that measures will be employed to ensure the landscape belt's protection. In response to the Council's concerns that this cannot be relied upon to provide the landscape buffer and necessary landscaping to soften the site, the landscape strategy has delivered a scheme that provides an inner landscape belt on the inside of the boundary tree planting with buffer shrubs to help to direct viewpoints to the higher parts of the development. There is a 3m depth hedgerow proposed to wrap around the northern boundary to the front of the proposed public house/restaurant, to soften the built form along the approach on the A40. This would also serve to protect the conservation area to the north. The amenity area for the public house would be edged with ornamental planting whilst a line of trees, which is indicated in the strategy as being advanced plant stock, is proposed along the western boundary, framing the only vehicle and pedestrian access into the site.

1.12 The Design and Access Statement submitted in support of this proposal states the following:

a) A new site access is proposed to be located and constructed serving the entire site part way along Dixon Road. This access serves both service/delivery vehicles and the public.

b) The family pub/restaurant is proposed in a location facing the roundabout at the north-western end of the site. The traditional roof forms and materials minimise the impact of the development at this key location.

c) Retail unit 1 is proposed to be situated alongside the western boundary of the site, where it is massed in such a way as to reduce the frontage onto Dixon Road and appear consistent with the existing street scene. The existing lower level of the development site prevents this structure from being visually dominant. Careful attention has been paid to the design of this building to ensure



that the streetscape is respected and that the mass of the building is minimised by means of its roof form and use of a landscaping strip.

d) The parking has been distributed throughout the intervening space formed by the carefully positioned buildings. Landscaping and planting do much to break up and soften the hard surfaces.

e) The leaseholder tenants (for the Pub/restaurant) were set a clear design brief when selecting from their standard ranges of outlet designs. These were to be modified in terms of selection of facing materials to respect and reflect the character of the local area.

f) The retail units will have a pitched mansard type roof and have been designed to be architecturally attractive and have low maintenance requirements whilst providing accommodation suitable for a variety of retail uses. Careful attention has been given to the architectural treatment of the elevations facing Dixon Road in order to ensure that both the streetscape and surrounding context is respected in terms of massing and profile. The resulting design is a modern twist on the gables that mirror those of the residential properties on Dixon Road, with inspiration taken from the agricultural barns that are dotted throughout the surrounding area. The result is a series of buildings that are both sympathetic and complimentary to the surroundings, finished in a carefully selected palette of materials including timber cladding and render. The roof has been designed in such a way as to highlight the residential connection.

g) Both retail units are to be single units with a mezzanine. The maximum height of the buildings would be 9.9m.

h) The materials are simple with a predominant use of high quality cedar cladding with concealed fixings, fibre cement roofing and PPC aluminium windows and frames. The materials and details have been proven in use and selected for their high quality and low maintenance requirements.

i) In addition the retail unit will match the materials used on the other buildings in terms of cedar cladding and roof finishes. Generally the materials proposed across the site have been selected to blend and be in-keeping with those used in the local area.

j) The Family Pub/Restaurant would have a pitched roofs and be designed to be architecturally attractive and have low maintenance requirements commensurate with the typology of the building. The appearance of the pub restaurant uses a hierarchy of building elements and varied materials to create emphasis between the different elevational qualities on the building. The entrance facing Dixon Road, is clear and obvious to customers, with the glazed entrance porch 'halo' against the gable end providing additional emphasis. The pub restaurant includes an outdoor dining area to the north, facing towards Dixon Roundabout with planted boundary hedge and landscaping providing a sense of enclosure. A fenced garden with play area is located off the family dining area to the west, facing Dixon Road and adjacent to the main entrance.

k) Indicative signage has been shown on proposed elevation drawing - a separate application for consent to display application will be submitted.

l) The public house/restaurant building is designed to provide a strong visual statement that will appeal to passing trade on the A40, not familiar with the pub restaurant's location and yet provide external spaces around the building that are both enjoyable and attractive to customers' use without being overburdened by building form. This is a balance that creates appropriate scale for building users whilst creating drama to the external form and impact of the proposed development has been sought. The simple boarded finish is punctuated with an irregular array of window openings that creates a strong visual backdrop set behind the roundabout and presents a glazed portico set under the pitched gable facing eastwards onto the A40, a form that will be glimpsed through the trees planted along the highway boundary. Where the building abuts the family garden to the west, the scale of the building is reduced, but use of contrasting materials to those on adjacent forms, maintain a visual impact for these more diminutive forms.

m) The proposed materials of render, boarding, brick and contrasting roof finishes form elevations of domestic and human scale and embodies prompts from the existing architecture along Dixton Road with pitched slate roofs, rendered elevations and prominent chimney stacks and more modern materials associated with the retail development adjacent, profiled roofing timber cladding, curtain wall glazing.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

See Paragraph 1.6 above.

## **3.0 LOCAL DEVELOPMENT PLAN**

### **POLICIES Strategic Policies**

S6 LDP Retail Hierarchy  
S7 LDP Infrastructure  
Provision S8 LDP  
Enterprise and Economy  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
S16 LDP Transport

### **Development Management Policies**

SD4 LDP Sustainable  
Drainage SD3 LDP Flood  
Risk  
HE1 LDP Development in Conservation  
Areas RET4 LDP New Retail Proposals  
LC4 LDP Wye Valley AONB  
DES2 LDP Areas of Amenity Importance  
EP1 LDP Amenity and Environmental  
Protection EP3 LDP Lighting  
NE1 LDP Nature Conservation and  
Development GI1 LDP Green Infrastructure  
MV1 LDP Proposed Developments and Highway  
Considerations DES1 LDP General Design Considerations  
DES3 LDP Advertisements

## **4.0 NATIONAL PLANNING**

### **POLICY Planning Policy Wales**

#### **(PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

**Monmouth Town Council:** Recommends REFUSAL. Application not in accordance with the Adopted LDP (2014). Insufficient information supplied to make a decision on the merits of the planning application as there are no recent/accurate reports on out of town retail

development and its commercial viability; no study on the air quality assessment, the site is prominent in the entry to a conservation area with national trunk road traffic; there was no information included on employment rates, and the location encourages further use of the car, with limited public transport and no safe cycle route for the public/staff to access.

**MCC Highways:** The applicant has submitted an alternative layout reference Drawing No. 5424/01 Revision ZP Site Plan and a Transport Assessment Update Note dated July 2017 detailing the amendments.

The proposed amendments and particularly the removal of the fast food and coffee outlets will significantly reduce the traffic generation by way of short term car borne trip movements from Monmouth Town, the surrounding area and the A40 trunk road.

The amendments also reduce the parking requirements on site. The amended layout proposes 87 parking spaces of which 7 will be disabled that generally accords with the Council's adopted parking standards for non-operational parking. However the issue of operational parking particularly the servicing requirements for the public house still exist insofar as the servicing of the public house is still reliant on service vehicles utilising the car parking spaces to manoeuvre and in turn park in the car park access roads reducing and restricting access to available parking.

#### Traffic Impact / Junction

The Welsh Government in response to the earlier Transport Assessment dated December 2013 confirmed that the proposed development does not directly impact on the trunk road. The transport assessment update note table 4.0 submitted in support of the amended proposal clearly demonstrates that the vehicular trips generated by the amended proposal significantly reduces the traffic generation and its impact on the adjacent local roads and trunk road network.

#### Sustainable Transport

The proposed development is located on the periphery of the Town and although the scale and type of development has been changed its location is still unattractive for pedestrians and cyclists alike and will not discourage the use of the private car.

The amended layout proposes the provision of a footway along the northern boundary of the development with Dixon Road and promotes 2 individual crossing points to the northern footway on Dixon Road. Concern has been expressed regarding the isolated nature of the site on the periphery of the town and the need for pedestrians to cross Dixon Road. The provision of the footway and the provision of crossing points is welcomed and in this particular case following the removal of the fast food and coffee outlet the pedestrian trip generation would be significantly reduced precluding the need to provide controlled crossing facilities as the degree of conflict between pedestrian and vehicles and the available gaps in the traffic would not warrant the provision of a controlled crossing facility pursuant to Department for Transport Guidance TA68/96, LTN 1/95 & LTN 2/95H. However in order for the applicant to provide these facilities they will be required to enter into a S278 agreement with the highway authority for their provision.

The site is located on a number of bus routes that provide a reasonable level of accessibility based on the amended proposal and omission of the fast food and coffee outlets.

#### Surface Water Management

The site occupies a low lying position on the outskirts of the Town which has been subject to localised surface water flooding / ponding in the past, the cause of the ponding is undetermined but it is likely to have been a combination of local factors including the existing culverted watercourse outfall to the River Wye beneath the A40 being either blocked or flood locked.

Natural Resource Wales in their letter dated 21st September 2017 object to the application as the FCA has not satisfactorily addressed the flood risk and offered the following comments in respect of the Site Drainage and Diversion of watercourse, "any realignment, culverting or infilling of or discharge to the watercourse through the site will need land drainage consent from the Internal Drainage District (IDD) team within NRW".

The Council as Lead Local Flood Authority, although not responsible for the area in terms of land drainage consents welcome the proposed method of dealing with surface water run off and control the rate of discharge, but do have concerns regarding the proposed method of dealing with flows in the event the existing and proposed extended culvert becomes blocked or the

outfall flood locked, the proposal to direct inundated flows through the development to the south western corner of the development and utilise the adjacent open space / playing field is not considered an acceptable solution in the circumstances and the resultant inundation should be catered for on site (Reference FCA dated December 205 section 4.5.4).

Generally I would be unable to sustain an objection to the amended proposal on highway grounds; the proposal would not be detrimental to highway safety or capacity, but would highlight the following concerns:

No dedicated operational service vehicle parking has been provided for the Public House. The surface water management and the loss of surface water storage area has not been fully considered.

### **Welsh Government Transport:** Department of Economy and Infrastructure

- Noted that the overall size of the development has reduced with a significant decrease in expected traffic volumes as a result of the removal of the drive thru coffee shop and restaurant. Welsh Government would reiterate the previous direction on conditions requiring drainage not to connect or discharge into the trunk road drainage system

- The existing boundary feature (trees) is the property of the Welsh Assembly Government and shall not be removed or interfered with; no works to be undertaken that affect the stability of the trunk road.

### **MCC Green Infrastructure**

Final Formal Comments were never completed as the negotiations were still ongoing. Comments from the GI Team are taken from the last set of notes and requests given to the agent requiring further information. There is outstanding information to be submitted, there is some information that can technically be conditioned and does not stop the application proceeding to a decision, for example a GI Management Plan. These conditions should set out the parameters of what is expected. However, there is some baseline information in the form of lighting, signage, identification of existing hedgerows and trees including those adjacent to the site boundaries that has not been submitted, thus preventing a full assessment of the visual impact of the proposal to be assessed. A detailed breakdown of what is required and what has been recommended is identified below:

1. Landscaping : There is a distinct lack of baseline information provided on landscaping

- Existing and retained trees hedgerows and shrubs have not been identified clearly or accurately on the Landscape strategy plan - this needs to be clearly set out and where some can be retained these should be incorporated in the scheme.

- A Tree protection Plan will be required for even those trees which are outside the red line but overhang the site.

- A soft landscape plan is required that includes planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities. The Landscape Strategy doesn't provide a full and detailed schedule of all plants, species, numbers, sizes and distances (e.g. boundary trees, specimen trees ,the proposal cannot be indicative).

- The following details and information has been requested for submission

i) Clarification is required on the type and available depth of planting. (It is suggested that the strategic planting belt be a minimum of 3m depth, where this can be increased this would be welcomed and comprise a mix of native species e.g oak, field maple, wild cherry, hawthorn, rowan, hazel , alder, dogwood, guelder rose, dog rose and holly)

ii) Planting around the Pub could incorporate a more varied palette including some native grass mixes and pollinator friendly species.

iii) Verge planting along-side the road could include a wildflower mix

iv) Hedgerows and hedgerow trees to be added as separation between walkways and car parking areas e.g. between Unit 1 walkway and the car park and between Unit 2 and the car parking to the front of the unit. (They have not shown on this the most recent layout plan).

v) A hedgerow with hedgerow trees either side of the entrance road would be a better solution rather than just a line of trees. Hedgerows to be a double staggered row 300x300x300mm and maintained at a height of no lower than 2m. Hedgerow trees to be mix of wild cherry and rowan. Planting along the frontage of the development to Dixton Rd should form part of the strategic planting belt.

vi) Surface water treatment draining into channels to help irrigate the proposed planting.

2. Layout (including Street Furniture and surface materials): There is a distinct lack of baseline information provided, the information require to enable a full assessment to be undertaken which to date has not been submitted, the outstanding information is listed below:

- Details required on surfacing materials for the walkway, a visual separation between the car parking bays and road system to help break up what would otherwise be large areas of tarmac or hard surface. Surface materials for the outdoor sitting area to tie in with pedestrian walkways for continuity of circulation, again this will need to reflect and tie into materials used for the public house.
- Surfacing materials for the car parking areas to look at a more porous surface.
- Street Furniture is essential, and needs to be incorporated with regard to sitting areas in key parts of the site. This does not have to be formal and there may be opportunities for some form of boundary treatment that doubles up as street furniture and provide some informal seating area.
- Bike rack and furniture materials to reflect the family of buildings.

3. Lighting: This information is essential for ecological considerations as well as understanding what the visual and landscape impact of the proposal is. The following information is outstanding:

- (i) Street lighting: this needs to be informed by the ecologists as well as the designers, where street lighting columns are a necessity, these should be of a design that works well within the setting, the maximum height should be 4m, and this should be supplemented with lighting bollards.
- (ii) Lighting on the buildings needs to be detailed so it can be carefully considered.

4. Signage: There have been no details of signage submitted to date.

- (i) Signage on the buildings is very important; thought needs to be given to the style and form of the advertisement. It is advised to move away from large fascias and suggest individual lettering is used direct to the building as opposed to one panel that contains the whole brand name.
- (ii) Given that the site only contains 3 buildings, their individual uses and brands are clear from passers-by, it would not be appropriate in this case to use any large signage at the entrance, any signage would have to be subtle and work with the setting of the scheme. Need to make sure that no signage intrudes from key vistas and should be avoided along Dixton Road frontage.

5. Retail Units: Again the following information has not been submitted and prevents the proposal being considered in the light of the finishing materials which helps to assimilate the development into the surrounding area.

- (i) Materials need to be clearly specified (The timber needs to be natural)
- (iii) The rainwater goods need to be detailed not only in annotation but an enlarged cross section of the r/w good on the retail buildings (and the public house) is required. This needs to work well with the clipped eaves of the building continuing the contemporary approach to these buildings.
- (iv) A high quality roof materials is required, details required
- (v) The recesses on the windows needs to be detailed ideally showing how the timber wraps around into the reveals.
- (vi) The main entrance needs further detailing to show how the reveals work and the canopy needs to be clearly detailed in depth, height and materials.
- (vii) Final details of fenestration is required
- (viii) The timber used on the elevations needs to be detailed showing how it is joined (whether it is butted up, overlapped. etc.)
- (ix) Details of air conditioning units shown needs to be detailed.

6. Public House: There are key details missing relating to the submission of the public house

- (i) It is imperative that the windows are clearly detailed including the recesses with a close section required of the large gable window on the east elevation.
- (ii) Detailing is required of the timber and roof material
- (iii) As above the rainwater goods need to be detailed not only in annotation but an enlarged

cross section of the r/w good on the public house is required  
(iv) Detailing of fenestration and recesses against natural materials wrapping around the reveals should be shown  
(v) Closer detail required of proposed chimney  
(vi) Detailing of fencing shown on the east elevation (this should work with the timber that is being used on the buildings)

Key Viewpoints: There are also photographs missing from key viewpoints to include vistas from; Footpath 375 to Leasebrook

Staunton Rd

Eastern end of Dixon close

Newton Court Lane

To quote DCW "Design quality must be pursued with the proposed development which will require high quality materials and detailing. This is important to achieve the vision set out in the visuals, which indicate a sleek and simple design that can be lost at the detailed design stage. Signage and lighting must also be carefully considered"

### **MCC Ecology:**

An updated ecological report has been submitted to support the decision due to the time passed since the previous studies were undertaken: Pure Ecology, Dixon Road, Monmouth Ecological Appraisal Report dated October 2017

Considered alongside the earlier studies, it is considered to be sufficient to inform the decision.

Habitats Regulations Assessment (HRA)

Wye Valley and Forest of Dean Bat Sites SAC

The development will lead to the loss of semi-natural habitat and an increase in lighting within the foraging range of the Interest Features of the SAC therefore the risk to the site cannot be ruled out without further consideration and a HRA has been undertaken.

A lighting plan has been provided to support the decision. Currently, the surrounding roads are extremely illuminated to allow safe vehicular passage around the roundabout on the dual carriageway.

River Wye SAC

The site includes a land drain which discharges into the River Wye 180m from the site. Due to the risks posed by development of the site, potential impacts have been considered in a HRA.

The drainage plan illustrates:

1) There will be more petrol interceptors than currently indicated on plan (Proposed Drainage Layout Surface Water Pumping Station, Fairhurst 97438/2020 Rev D) to ensure that the water quality will not be unacceptable to the SAC or evidence that the level of petrol interceptor indicated is sufficient to safeguard the interest features of the River Wye SAC. This plan should become an approved plan of the scheme.

Due to the proposal affecting the onsite watercourse, A Construction Environment Management Plan (CEMP) will be subject of a pre-commencement condition to ensure that there is no risk of pollution or sedimentation episodes. This CEMP will be, as a minimum, in accordance with the British Standard for Biodiversity BS42020.

Protected

Species Bats

The site has been identified as locally important foraging habitat used by multiple species including two species of pipistrelle with indication that it is used closer to sunset by small numbers of pipistrelle bats, most likely from a nearby roost. Feeding opportunities need to be maintained at the site through appropriate planting. The Landscape Concept Plan (Drawing 02 Rev H) that has been recently submitted does not reflect the landscaping as discussed during August 2014 (also referenced in section 5.12 of the latest ecology report). Drawing 02 Rev H shows a hedge/woodland edge habitat along the western boundary (with the school) which will be directly beneficial to foraging/commuting bats.

It is noted that a precautionary recommendation for inspection of the sycamore/ivy before removal. A planning condition shall be needed to secure this.

The provision of bat roosting opportunities is yet to be fully considered. If this were to be required, in line with LDP policy NE1, due to recent WG decisions, we are unable to use a planning condition to secure this and would hope to see it on plan prior to determination.

#### Nesting birds

The ecology report notes that the proliferation of dense scrub cover at the site since December 2015 has increased the potential nesting habitat available to a range of urban fringe birds.

A planning condition is recommended to ensure that if works are carried out during the bird nesting season, they are preceded by a nesting bird check by an appropriately experienced ecologist.

Structural planting must include provision of compensation for loss of nesting opportunities on the site. Additionally nesting opportunities can be incorporated into the buildings to provide further compensation, due to recent WG decisions regarding Biodiversity Enhancements, we now are unable to use a planning condition to secure this and would hope to see it on plan prior to determination to be in accordance with LDP Policy NE1.

#### **MCC Heritage:** Conservation Response for Dixton Gate.

The site is located on the A40 just outside the historic town of Monmouth and on the border between England and Wales. Monmouth is a 'Gateway' to Wales and the Wye Valley Area of Outstanding Natural Beauty.

It is an historic market town with an important national history nestled between the Hills of the Lower Wye Valley Area of Outstanding Natural Beauty and the River Wye, itself designated as a site of Special Scientific Interest. Monmouth is a compact and well delineated settlement within the confluence of the Rivers Wye and Usk. Regeneration has focused on the enhancement and conservation of the town's historic buildings providing a unique and individual shopping and dining experience suited to the nature of the buildings that make up its character and the valuable local and tourist trade. The result is a buoyant and historic market town with the character of its historic buildings and historic context, flourishing.

The town is overlooked by a number of iconic nationally important and designated view-points. The Kymin is a nationally known Listed building and Monument and registered Park and Garden, owned by the National Trust built by Lord Nelson for picnics and suppers where they could enjoy the Picturesque views over Monmouth.

- Great Doward Hillfort, Scheduled Monument with views towards Monmouth
- Wyastone Leys Registered Park and Garden (England) The gardens were designed to capture the Picturesque Views over Monmouth in the 18th and 19th Century.
- Dixton Church is an important listed example of a group of early Christian Churches located close to the banks of the River Wye and in close proximity to the development site, it is designated as a Conservation Area.
- Monmouth is a designated as a Conservation Area

It was concluded with the original scheme that the nature of this proposed development would be visually detrimental and harmful to the setting of the historic town and would impact on the important views from the three nationally important locations above (within the AONB) that add to the local tourism offer, and the setting of Dixton Church. Updated comments relating to the latest scheme to be reported as late correspondence

**MCC Environmental Health:** The assessment identifies that there will be zero percentage change in emissions with the development on the modelled receptors. This is based on the fact that the traffic assessment did not identify that there will be a significant increase in traffic or congestion in the area.

#### **Natural Resources Wales:** Objection

Fairhurst confirmed on 30 April 2018 that 'Option 2' set out in the December 2015 FCA is the proposed option for the development. We have been supplied with the details of the proposed site levels in Drawing No. 2004.B. Based on this information, we advise that the proposal fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN 13. Therefore, we object the proposal as submitted.

The FCA has used flood data which is now considered out of date. This data has been superseded by modelling work for the River Wye which was carried out in 2017. The latest data can be provided by us. However, the new data will not change the potential consequences of flooding to and from the site, as it will show a greater risk of flooding compared to the flood data used to inform the December 2015 FCA.

As previously advised, the proposal is not designed to be flood free in the 1% plus climate change allowance (CCA) event. The proposal is predicted to flood to the following maximum depths:

Pub restaurant (including residential accommodation):

0.59m

Retail Unit 2: 0.99m

Car park: 1.29m

These depths are based on a predicted flood level of 19.49m AOD. When the most up to date flood data are considered, then the predicted flood depths are even greater.

A1.14 of TAN15 advises that proposed development should be flood free in this

event. As such this proposal is not in line with this criteria of TAN15.

During the 0.1% flood event based, the proposal is predicted to flood to the following maximum depths:

Pub restaurant (including residential accommodation):

1.88m Retail Unit 2: 2.28m

Car park: 2.58m

These depths exceed the indicative tolerable conditions set out in A1.15. Again, when the most up to date data is considered these predicted depths increase.

We have previously advised that speed of inundation, and rate of rise of floodwaters have not been assessed against the A1.15 criteria. We refer to the comments in our letter of 18 April 2018.

Impacts on flood risk elsewhere

Point 4.2.2 in the December 2015 FCA states that in both the predicted 1% CCA and the 0.1% flood events, there is a negligible increase in flood impact to receptors. The FCA did not provide any calculations or commentary on how it came to this conclusion. Therefore, we are unable to advise your authority on the acceptability of this criterion.

We note the changes to Drawing No. 99007B. However, there is no specific information/summary of the depths, velocities and flood hazards along the route which should be included within the FCA. However, from the information on Drawing Number 99007B for the access/egress route we have ascertained that:

- the depths would be 1 to 2 metres (1% +CC event);
- greater than 2 metres (0.1% event);
- hazard rating for the 1% CCA event is at least 'Danger for Most - includes the General Public' (this flood scenario not included on this drawing)
- hazard rating for the 0.1% is 'Danger for All - includes Emergency Services'

These values exceed the guidance set out for access in table A1.15 of TAN 15. In addition, A1.12 states that escape/evacuation routes are shown to be operational under all conditions by the developer.

Designated Sites and Ecology

We have reviewed the Ecological Appraisal Report and note that a walkover survey was undertaken on 29 September 2017. The report maintains that several bat species are using the site, but considers it is unlikely that development of the site will result in either a loss of significant foraging habitat for horseshoe bats or have any significant negative impact on the interest of the SAC/SSSI. It also recommends, under section 5.1, that 'Development plans should maintain the foraging opportunities for local bat populations by including insect-attracting plant species in the planting scheme, reducing light spill from the development to the minimum levels possible'. We agree with this recommendation.

We have also reviewed a proposed lighting plan entitled "external lighting layout", drawing No40272-Q0DA-00-00-DR-E-0901 Rev P, which we received on 2 October 2017. We have some concerns with the lighting proposed along the south west vegetated boundary and



north west corner of the development site, i.e. the areas where Lesser Horseshoe Bats were observed foraging previously. Our concern is that the plan does not provide light spillage drawings, making it difficult to demonstrate how light spill is being reduced to minimum levels possible. For example, is there backward spillage from the lights proposed. It is also our view that proposed lighting along the south west boundary and the service/car parking areas could be replaced with more appropriate lighting, for example, bollard lighting with cowls which direct light into the development site only.

We recommend a revised lighting plan is prepared taking into account the above points. It would be beneficial if this were to be provided to your Authority prior to determination. However, should your Authority be minded to grant planning permission, as submitted, we advise a planning condition is attached to the permission. This condition should secure the implementation of a lighting plan before development commences which should be agreed and approved by your Authority. The revised lighting plan should ensure the lighting spillage is reduced to minimum levels possible to the vegetation along the south west boundary and in the north-west corner of the site.

### **Lower Wye Drainage Board:**

The site is located inside the Board's operational area, is a Natural Flood Plain and as such has the potential to have direct effect on the Board's operational interests and watercourses under the Board's control.

Very high ground water levels are experienced in this general area, which may well adversely affect any surface water drainage arrangements put in place as part of proposed works. Any change of land use impacts the natural hydrological cycle, with developments such as this the increase in impermeable area will increase run off and, if not controlled appropriately, have a high potential to increase flood risk elsewhere.

Managing the flood risk is an extremely important part of achieving sustainable development. The flood consequence assessment, available online, informs us of the intention to manage surface

water by using a sustainable drainage system, the Board believe that SuDS have a key role to play in flood management for new (and existing) developments. Where possible the Board advocates the use of true SuDS, mimicking natural drainage systems maximising the use of the SuDS hierarchy as far as reasonably practicable, to accommodate for the increased surface water runoff. This approach helps achieve aims of the PPW (TAN15: Development and flood risk) adding scope to reduce runoff and flood risk, improve biodiversity, water quality, water quantity and amenity. Tanked/pumped and solutions using unnatural flow paths, such as that proposed, are a last resort. It is noted from the application that the proposal involves discharge of water into ordinary watercourse, modification of ditches, watercourses and culverts.

The Board's requirements in respect of surface water disposal are:

Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the 'greenfield' response of the site over a range of storm probabilities, accompanied by the required On-site Storage designed for the 1 in 100 year storm event.

For the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off discharged from the site into a Viewed Reen or ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event. The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 10% for computing storage volumes.

All in compliance with The Institute of Hydrology Report 124 (IoH 124) - Flood estimation for small catchments (1994)

All to the satisfaction of the Engineer to the Board.

No additional surface water runoff is permitted into the ordinary watercourses within the Board's boundary without written Land Drainage Consent, which would have to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010. The developer should be informed that proposed modifications to the ordinary watercourse running through the site, which is within Board's operational area, will require IDB's Land Drainage Consents in addition to any consent which have to be obtained from LLFA.

Absolutely no modification, culverting or in filling of any ditches /watercourses within IDB district will be undertaken without a written Land Drainage Consent from the Board.

businesses are having difficulty recruiting staff in Monmouth. This is likely to be worse if the Marston's and retail outlets at Dixton Road are developed.

**Gwent Glamorgan Archaeological Trust:** No objection subject to conditions

An archaeological desk-based assessment prepared by Border Archaeology, dated December 2013 ref. number: BA1338DRM is included in the supporting information. The report concludes that the potential for encountering archaeological remains of Roman or medieval date is low to moderate. The assessment also notes that the application area is located in an area included in the Register of Landscape of Outstanding Historic Importance, the Lower Wye Valley HLCA010 Dixton Transport Corridor, and also some 180m from a Scheduled Ancient Monument, Cadw ref: MM125, Dixton Mound. The report concludes that the impact on these will be low.

Whilst we note the current amendments, it remains our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

**CADW:** The proposed development is located in the vicinity of the scheduled ancient monument known as MM125 - Dixton Mound. A sub rectangular mound less than 1m high and surrounded by a broad wet ditch is located on gently sloping ground suggests it may have been a moated site rather than a full-fledged castle. Views towards the proposed development area from the

designated monument are principally blocked by housing on New Dixton Road with other views screened by existing vegetation. Therefore, it is Cadw's opinion, that there will not be a significant impact on the setting of the designated monument

**Monmouth Civic Society:** Object

A retail park has no place at the northern entrance to the town. Do we really want to welcome visitors with screaming hoardings for Carpet Right and the like? The two planned retail units are expected to have a turnover approaching two million a year from passing trade. Funny that the picture accompanying the plans show no signage. There's a paragraph in the LDP - the local development plan - under the heading Place Making and Design which the developers say says "the development shall contribute to creating high quality, attractive and sustainable places." Fine. What they don't say is that the policy goes on to state "All development proposals must include and promote high quality, sustainable inclusive design which respects local distinctiveness, respects the character of the site and its surroundings in order to protect and enhance the natural, historic and built environments and to create attractive, safe and accessible places." We do not think this development really respects the character of the site and its surroundings. The site lies within the flood zone and the developers claim the development is allowable because it is not residential and so is classified as "Less Vulnerable". But the pub is residential: it has a three- bedroom manager's flat and that puts it in the category of "Highly Vulnerable". The developers also like to overlook the fact that a corner of the site comes within the Dixton Conservation Area and the stricter development rules that govern conservation areas. Traffic conditions at the roundabout are already pretty bad. The developers' imaginative illustration shows only seven vehicles approaching from the traffic lights. We fear this development will make the traffic worse and help to cut Wyesham off from the main part of the town even more than it is now. The retail units themselves - one 7,000 sq. ft. and the other a little smaller - are really just sheds. The materials are nothing special, just the usual boring cladding to be expected from architects who boast of putting up 400 Pets at Home units around the country. And the pub seems to have taken a dive since the first designs went in. But it's still a standard Marston's off-the-peg design, owing nothing to the vernacular of the Wye Valley. Something is going to happen on this site. It has outline planning permission for commercial use. Perhaps - and I should say the Civic Society hasn't discussed this yet - the town council should take out a cheap loan from the Public Works Loans Board, buy the site and commission a distinctive, well-designed joy of a building - quite unlike anything on offer here - to serve as a Welcome to Wales centre and place to buy local products. We want Monmouth to be a place that does to, not a place that's done to."

**Monmouth Chamber of Commerce:** Object

Monmouth residents will be aware that the Chamber of Commerce, in cooperation with the Gateway to Wales action group, has actively and vigorously opposed this development over the last 5 years. Development of this site for retail, will create traffic, flooding and of course

competition issues with the businesses of our town. The promise by the developer to create 50+ new jobs is found to be hollow as we currently have 60 + job vacancies in retail and hospitality, which can't be filled.

Some may be aware that apart from one letter of objection there have been no letters uploaded to the application in 2018 by MCC planning office and none for the developer or their consultants.

One of the major obstacles for any developer to overcome relate to objections on flooding matters raised by Natural Resources Wales. Readers will remember that as a result NRW's objections on the spa hotel project, the application was subsequently called in by the Welsh Government and rejected by the Minister, even though the car park and hotel were situated above the 1 in 100 flooding event plus climate change.

NRW object to the consultant's proposals on the following grounds:

The Flood Consequence Assessment fails to demonstrate that the risks of flooding can be adequately managed. It uses flood data, which is out of date and using the latest data NRW say that the potential consequences of flooding to and from the site will be greater.

The site, under the consultant's proposals, is not designed to be flood free in a 1% plus climate change event and the pub restaurant would flood by 0.59 metres and retail unit 2 to a depth of

0.99 metres.

During a 1 in 100 flooding event the pub including accommodation would flood to 1.88 metres and retail unit number 2 to 2.28 metres and the car park by more than the height of a car.

This is not acceptable under Technical Advice Note 15.

In order to overcome NRW's objections, it might be possible to raise the site by an average of 2.5 metres. However, this would involve bringing on to the site 20,000 cubic metres of material and probably result in adversely affecting nearby homes with increased flood risk. NRW note that the consultants fail to demonstrate the impact of flooding outside the site or on the evacuation route. Calculations by NRW show values exceed that required under TAN15 and it is not acceptable for the evacuation route to be unusable in an extreme flooding event.

All in all, the consultants are using out of date data, have failed to demonstrate the flood consequences accurately and the information supplied indicates that the results are not in accordance with Technical Advice Note 15. We have taken expert advice from a consultant and he believes that NRW's objections to this development are insurmountable.

#### **Llangattock Vibon Avel Community Council:**

Pupils residing in our area attend Monmouth Comprehensive School. The proposals are too near the school. The patterns and extent of vehicle movements would be such as to greatly increase the harmful nitrogenous element of the air they breathe

#### **Campaign for the Protection of Rural Wales:** Object to this proposal.

The proposed development is located at a significant point in relation to the town and the wider region. The development is an out-of-town retail development.

The A40 trunk road which bypasses Monmouth has greatly detracted from the beauty and historical significance of the town. This development would do nothing to improve this situation. The proposed Dixon Road development is located a short distance from the border between Wales and England described as the Gateway to Wales as it would be the first significant thing that visitors would see. In this case, surely Monmouth and Wales deserves something better than a pub and two retail units. The journey down the dual carriageway towards Monmouth is really quite spectacular. This development would have a negative impact on the landscape and it would do little to highlight the beauty of the area or the town. CPRW urges the planning committee to reject this application. Perhaps it is time to consider alternative uses of the site that might attract more visitors to the town. Here are some additional comments from CPRW members. It would be a real and only eyesore interruption between arrival at Monmouth and its link with the rest of the onward journeys i.e. down the Wye Valley/A449 Usk Valley. No need to make a similar mistake to the development in Abergavenny.

#### **JW Planning:** Independent Retail Impact Assessment (the Council's retail consultant)

To assist in the consideration of this application the Council commissioned an independent retail assessor to advise on the retail policy and impact issues raised by the planning application. The proposal focuses on the amended scheme, the original application proposals in 2013 having been for a larger, more intensive commercial development on the application site. The comments focus on the Peacock & Smith Ltd (P&S) Planning and

Retail Assessment (PRA) dated September 2017. The findings of the report are summarised below:

Occupation of the retail units is currently unknown, but the applicant has offered that these units be restricted to 'bulky goods' trading only.

- The application site lies within the 'Settlement Boundary' for Monmouth, but is unallocated and in an 'out-of-centre' location in terms of retail planning policy.
- Planning Policy Wales 2016 (PPW) (paragraph 10.2.16) requires that new out-of-centre retail developments "should not be allowed if they would be likely to put the development plan retail strategy at risk".
- The application proposal is inconsistent with the development plan retail strategy, which identifies Central Shopping Areas (CSAs) within town centres as the preferred location for new retail and other forms of commercial development - LDP Policies S6 and RET4.
- The significance of this conflict needs to be judged in context of the performance of the proposal against the LDP Policy RET4 and PPW requirements relating to out-of-centre development.
- LDP Policy RET4 states that where new development is outside the CSA it should meet specified requirements. The most relevant requirements in this case relate to 'need', 'sequential approach', and trade impact.

#### Need

- There is a significant leakage of bulky goods expenditure from Monmouth's catchment (Zone 2). Other things being equal, there would be benefits for Monmouth residents if some of this expenditure attracted elsewhere could be attracted to Monmouth. In short, there is theoretical quantitative expenditure capacity for further 'bulky goods' trading in the town.
- In the absence of information on the type of trade that would occupy the premises, other than the broadly defined 'bulky goods', it is impossible to judge the level of expenditure clawback that might arise from the proposal. This would depend upon the range and type of goods sold, as compared with what is currently available in Monmouth.
- Furthermore, in the absence of more detailed information on the type of trader, it is impossible to have confidence that, if planning permission were granted, appropriate types of bulky goods retailer could be attracted to Monmouth. Any 'qualitative need' justification for 'bulky goods' retail units in an out-of-centre location needs to have up-to-date evidence that the proposal is capable of being delivered.
- An assessment of 'need' for public house / restaurant uses is much less meaningful than for retail uses because of the nature of the public house / restaurant sector. Public houses in particular have been subject to major commercial pressures and changes in 'drinking' habits. The restaurant trade is strongly dependent upon the market offer of particular facilities. In this case, the position is further influenced by the location of the public/ house at a junction on the A40 from which the applicant's anticipate trade will be attracted. We are not in a position to comment on the 'need' for additional service facilities on this stretch of the A40, nor whether the proposed site and roundabout access to it are acceptable or considered appropriate in land-use / highway terms. Plainly the proposed public house restaurant would add to the available offer in Monmouth, which is a benefit. However, because Monmouth residents are relatively well provided for by bar / restaurant facilities in the town centre, the weight to be attached to this benefit should be considered against any disbenefits including diversions of A3 custom from the town centre (on which we comment under the heading 'Impact').

Sequential Approach: P&S's sequential approach assessment is set out in Section 7 of the PRA. We have not undertaken an up-to-date inspection of the town centre to identify sites and premises that may qualify as alternative locations for the application proposal. Our comments are therefore based in part on our knowledge of the centre from previous inspections, and on survey information provided by P&S.

It was concluded that for the proposed retail units that site had not met the sequential tests as the following units provided a potential alternative:

Former Budgens, Oldway Centre (now Home and Bargains) 95/97 Monnow Street (now Esters Lounge)  
20/24 Monnow Street. (floor area too small)

Former cattle market (within the Council's ownership; application submitted to create a

public space within this area; issues of flooding to overcome so was subsequently withdrawn. Therefore not suitable or available as an alternative location). Previously due to the availability of some of these units it was considered that the sequential tests had not been met.

Practically however the only unit that did provide a viable alternative was the former Budgen Store due to proximity of car parking area, availability of servicing area and available floor space.

However this is not now available so it is reasonable to conclude that the sequential test has now been met for the retail units.

The same alternative units were assessed as a potential for alternative sites, again 3 out of the 4 units are not now available. Accommodation of the public house / restaurant within the town centre requires more issues to be addressed. Use of 95/97 Monnow Street would require flexibility in terms of floorspace and design. Use of the former Cattle Market site would be dependent upon the Council making suitable land available. Sequential Test has been met.

#### Trade Impact: Retail Units

The quantitative impact on the town centre's comparison trade is as a whole would, at less than 5%, be modest but significantly greater on the 'bulky goods' sector. The actual scale of impact and where it would fall would depend on the actual occupiers of the units and the degree to which they would clawback trade from facilities elsewhere, and/or impact on existing shops in the town centre.

There is a significant leakage of bulky goods expenditure from Monmouth's catchment. Other things being equal, there would be benefits for Monmouth residents if some of this expenditure attracted elsewhere could be attracted to Monmouth. Furthermore, it is reasonable to assume that if new improved bulky goods facilities were to be provided in the town, Monmouth's market share of retained expenditure would rise. In short, there is theoretical quantitative expenditure capacity for further 'bulky goods' trading in the town. In the absence of information on the type of trade that would occupy the premise, other than the broadly defined 'bulky goods', it is impossible to judge the level of clawback that might arise from the proposal. This would depend upon the range and type of goods sold, as compared with what is currently available in Monmouth.

Furthermore, in the absence of more detailed information on the type of trader, it is impossible to have confidence that, if planning permission were granted, appropriate types of bulky goods retailer could be attracted to Monmouth. Planning permission granted by the Council for a 'bulky goods' unit in Wonastow Road has never been taken up. This indicates to us that any 'qualitative need' justification for 'bulky goods' retail units in an out-of-centre location needs to have up-to-date evidence that the proposal is capable of being delivered. In our opinion the scale of trade diversions from Monmouth shops will be strongly dependent on the occupiers of the proposed units and the extent to which the range of goods on offer is currently available in Monmouth. In the absence of this information, we believe that it would be prudent to allow for at least 50% of the trade diversions to be from Monmouth town centre shops. We have indicated above that P&S's turnover figure for the proposed units should be treated with caution.

However, using the P&S turnover estimate, but allowing 50% of it to be diverted from Monmouth town centre shops would raise the trade diversion to £1.39m. ( $2.78 \times 0.5$ ). This would give rise to an impact on the town centre comparison goods shops of 3.6% ( $39.05/1.39 \times 100$ ). Based on P&S's estimate of 'bulky goods' turnover in the town centre at 2021 of £3.2m (PRA paragraph 8.05 and Table 5), the impact on the town centre's bulky good shops would be approximately 43%.

Any quantitative trade impact figures have to be seen in a wider context. In recent years there have been major economic changes affecting retailing and particularly market towns. The post-2008 recession hastened changes that would otherwise have occurred in shopper behaviour patterns. The growth of internet based shopping and relative strengthening of larger shopping centres at the expense of smaller centres has become more pronounced. Monmouth benefits from its attractive historic centre, and this has enabled it to perform relatively better than many market towns. However, it does not make it immune from the pressures facing small town centres at the present time, and we therefore believe that the proposed retail units do give rise to the risk of unacceptable detrimental impact on vitality and viability of the town centre.

Public House / restaurant.

MRLS 2010 indicated at that time that for a centre of its size. Monmouth was well provided for with bars and restaurants. In part this arises from it being an historic centre. In our opinion this does not necessarily mean that there is no 'need' justification for additional facilities. This is particularly so if the new facility would provide an attractive offer that would not adversely impact on existing town centre facilities (on which we comment under the heading 'Impact'). In this case, the position is further influenced by the location of the public/house at a junction on the A40 from which the applicant's anticipate trade will be attracted. We are not in a position to comment on the 'need' for additional service facilities on this stretch of the A40. However, being located on a junction of the A40, it is reasonable to assume that the proposed public house / restaurant will attract some of its trade from passing motorists who would not otherwise have visited restaurants in the town centre, although the proportion of its trade that would fall into this category is difficult to judge. Our judgement is that the impact of the proposed public house / restaurant would not be of scale to threaten the role played by public houses / restaurants in supporting the vitality and viability of the town centre.

Finally, we have noted the figures of new employment identified by P&S. We accept that the proposals should generate new jobs (principally the public house / restaurant), but there is also likely to a modest Class A1 and A3 job loss elsewhere arising commensurate with impact on existing facilities.

### **Design Commission for Wales:**

The following comments were given to the original scheme

The Design Commission has a number of concerns about this proposal and the lack of evidence of an adequate design process properly informing proposals.

Although building this type of retail development on this site is appropriate in principle, there is little evidence to suggest that the proposal has been designed to address any of the constraints and opportunities provided by the site to achieve the best value solution.

The lack of site analysis, option testing and methodical and iterative design processes has resulted in an unsatisfactory proposal which requires significant further work to achieve good design quality and realise the opportunities of the site.

It is crucial that time and resources are invested in a proper design process at this early stage to add value, otherwise significant future costs associated with poor quality design could be incurred.

It is important that the whole site is considered and designed together as one, informed by the analysis. A masterplan and landscape strategy should consider building orientation, layout, where active frontages will be located and movement of pedestrians and cyclists as well as vehicles.

Designing three individual buildings and filling in the spaces between with roads and parking will not provide the best value solution. Proposals should be designed to address and the site constraints and resolve these issues as far as possible. These constraints include, but are not limited to:

- o Flooding risk and water management
- o Noise from the A40 road
- o Site levels
- o Impact on setting of the conservation area.

### **Other**

It is important that the whole site is considered and designed together as one, informed by the analysis. A masterplan and landscape strategy should consider building orientation, layout, where active frontages will be located and movement of pedestrians and cyclists as well as vehicles. Designing three individual buildings and filling in the spaces between with roads and parking will not provide the best value solution.

Due to its location adjacent to the A40 many customers will arrive by car, so parking provision will be important. The design team should consider the best way to integrate parking for the site alongside a wider landscape strategy. For example, pub garden space may be most attractive to customers if it avoided overlooking a sea of parking.

## Green Infrastructure, Energy and Wellbeing

It is good that the local authority is committed to delivering their Green Infrastructure plan. The proposals for this site should be considered in the context of this wider strategy for Monmouthshire. The long term costs and maintenance of green infrastructure should be properly planned for. Carefully designed landscape can provide multiple benefits on this site, including improving biodiversity, creating attractive places for visitors/customers to use, providing acoustic and visual buffers to the trunk road and dealing with surface water drainage sustainably and effectively. A mutual agreement on a landscape strategy for the verges around the site is needed. Proposals should be coordinated through discussion with the authority that manages the trunk road.

### 5.2 Neighbour Notification

To date there have been 631 objections from residents to the proposed development. A significant number of these objections were to the original proposal that included a McDonalds and a drive thru Costa Coffee in addition to the retail unit and public house. These two elements of the development have now been removed from the scheme so the objections given to these aspects of the development are not included in the list below:

- Detrimental to the character and feel of the area
- Proposed retail/services are not needed
- Adds to congestion adding further traffic problems to the area on the A40
- The service station on the A449 provided the coffee shop services required for drivers passing by
- Residents of Wyesham already compromised by existing road network which will be exacerbated by this development
- Any increase in traffic on Dixton road entering the roundabout and heading south will add to the regular congestion both ways
- Similar facilities at Whitchurch and Ross within 5 miles
- Visual impact of signage, wide ranging detrimental visual impact
- Parking places proposed are inadequate leading to random parking on the side of the road in areas frequented by school children
- Access for passing trade would be from the A40 Old Dixton Road roundabout. This roundabout is extremely busy with traffic, with lorries progressing straight onto the roundabout when approaching from the north
- Any addition to the frequency or volume of traffic requiring to turn right onto the roundabout would increase the likelihood of accidents
- The Transport Assessment and Travel Plan gives a target of 65% single occupancy drivers for employees of the proposed retailers. The proposal states 91 spaces with 147 jobs created (so a considerable number of spaces would be taken by the employees, double demand on parking at shift changeover).
- Empty retail units in the town centre. It is important to maintain a viable and attractive shopping centre. Monmouth is recognised for its independent retail units
- Hugely detrimental visual impact upon the tourist entry point at Dixton roundabout
- Currently have 9 Public Houses, 3 vets and numerous coffee shops
- Commercial and retail premises are proposed in a location which has never previously gained approval for such a development
- Proposed uses are out of scale for the proposed site
- Development is not proportionate or sympathetic
- Impact upon the Wye Valley AONB
- Flooding Issue in the area
- This area requires a proportionate, sympathetic development; the development proposed is entirely inappropriate.
- Development is generic, plastic and is not in character with Monmouth
- The buildings would block views to the AONB
- Dixton Road is the principal point of entry into Monmouth from the north. With a pinch point outside the Comprehensive School; it is already too narrow for heavy commercial traffic. It lacks a pedestrian footway on the south side. Any substantial development will lead to further congestion on the south side with increased air pollution resulting from the stop/start traffic. These problems are all to the detriment of local residents and to the children attending the local schools.
- Proposed development will encourage on street car parking
- Site is on a flood plain
- The Gateway to Wales should showcase the best planning decisions that will preserve and protect this special site.

- The proposal is not visually in keeping with the existing architecture of the town. Monmouth has more Georgian and Regency Buildings than any other town in Wales. The use of stone is not appropriate given that the only stone buildings in the town are the iconic Monnow Bridge, The castle, the Priory - not the 'cutesy' architectural pastiche.
- The proposal is more for the benefit of passing trade rather than the benefit of the town and therefore sits as out of town development
- Quality of employment that this development brings is poor with the hospitality sector traditionally the poorest paid
- There is only one pavement at the end of Dixton roundabout
- Council's planning function must seek to avoid allocating development in areas of flood risk. It should avoid creating additional risk by not locating critical infrastructure in areas which are vulnerable to flooding
- The developers response to flood protection does not meet with NRW approval
- There have been a considerable number of accidents at and close to Dixton roundabout including two fatalities
- The TIA shows a 60 metre visibility splay from the exit along towards the roundabout; this distance according to the Highway Code is only the distance required for a car to stop in the wet for 30mph
- Vacant shops within the town centre with significant retail floor space available. Not in line with town centre first policy

There are other out of town locations that are more appropriate for a commercial site of this nature Reference to Monmouthshire's Retail and Leisure Study (2010) "Concerns regarding the vitality and viability of the main towns and their vulnerability to out of town developments.... new and enhanced retail and commercial developments of an appropriate scale should be in designated centres overall found that.... Limited need for further retail development on the County over the plan period... accordingly there is currently no need to allocate the additional sites for retail provision in the Plan"

Commercial basis of the site including signage will have a wide impact upon the wider area including that of AONB designation. Monmouthshire Landscape Sensitivity and Capacity Study (June 2010) shows the site to be in area of high/medium sensitivity.

LDP talks about place making, sense of place and local distinctiveness, this is not reflected in this proposal

Site has archaeological interest

Adverse impact upon amenity of neighbouring properties, noise and disturbance from public house and traffic

Air quality is already an issue due to proximity of A40 and Dixton Road, air quality of neighbours and schools is likely to deteriorate as a result of this development. This is further aggravated by the removal of trees (conifers) on site

Neighbour has assessed the development using the MCC template with regard to compliance of the Future Generations Act

It is proposed that large goods vehicles delivering to Marston's would be instructed to reverse through the car park to turn around. This is because there is no service area for Marston's deliveries. It is known that the car park is less than adequate for the combined trade expected, as bulky goods retail units stay open into the evening dining period, so the car park is likely to be well occupied, if not full. Large goods vehicles reversing at all times of the day and evening through lines of parked cars pose a real risk for users of the car park. The Marston pub layout is unacceptable without a dedicated service area for LGVs to unload and drive out forwards. At the planning stage this has to be changed, or the plan rejected on the grounds of public safety

The flooding of the site is not totally due to surface water runoff. As experienced by local residents, the water comes up from the ground so the piping and tanking of runoff would not drain the site and in fact due to the underground tanks the problem of site flooding would be greater. There is photographic evidence of the playing fields being flooded due to rising water.

There are currently many empty business premises in the vicinity of the high street due to rising costs, particularly the recent severe rate rises, and each loss of business reduces passing traffic (footfall) for those businesses remaining. In addition I am aware of at least 2 businesses trying to be sold and others just waiting until the end of their rental periods due to a loss of confidence in the Council because they (we) are concerned about Council's commitment to small business.

Establishing an out of town retail park will inevitably further reduce high street activity and it is difficult to see any logic.

Local Pet store has submitted that they are already suffering from a severely reduced



footfall when Budgens closed, severely impacting sales. In the original application Pets at Home was to be a major collaborator and while it is not clear that this enterprise is to take part in the latest proposal - if it were, then we would have to immediately close due to unfair competition resulting in the loss of 8 jobs

Not an attractive welcome to Wales

Monmouth enjoys a high number of visitors attracted by the individual essence and vitality of the town; they are not attracted by corporate food outlets and modern industrial units, such as these are probably evident back in the home districts they've chosen to leave behind or otherwise avoid, unless passing through to another destination. It would be irresponsible for a governing organisation with the power to either safeguard or irrevocably damage the area to favour a scheme like this on the edge of town which will do nothing but detract from the ancient historic and fragile district of Dixton

Strong objection to the proposed development of this tiny area into a pub chain food outlet. This type of business cleverly chooses the outskirts of a town, on a bypass route. The Dixton roundabout is the point at which A40 road users approaching from the direction of Ross, might turn off into Monmouth town. Travellers approaching from Wales or the Forest of Dean might, having noted the appealing town buildings, decide to pause their journey and head into town. If the new development goes ahead, day trippers, families with demanding children, routine travellers and holiday makers using the A40 will instead find a very attractive and convenient, popular corporate comfort break opportunity with easy parking and all amenities on hand. They will break their journey at the pub chain restaurant and continue along the A40 refreshed

I regularly use the A40 in my occupation as lorry driver in mainland UK and see many traffic jams. The ones I encounter at Dixton roundabout are notably severe and although I don't see a solution which might reduce the queues, I do feel very strongly that allowing a pub/restaurant to exploit the Monmouth junction would provide the very opposite effect. If the development is allowed I will lose all faith in local authorities trying to address congestion and will pack extra sandwiches for days when I need to bypass Monmouth as I will expect further extension to the delays I already experience

NRW have objected as the assessed flood level risk for 1 in 100 years is up to 2 metres, in excess of statutory limits;

- if the ground is built up it increases flood risk elsewhere;

- the development will sit on an existing watercourse which will have to be culverted - this is opposed since it involves destroying a wildlife corridor

If congestion does get worse service vehicles, e.g. ambulance, fire service, etc. will have difficulty doing their jobs possibly putting lives at risk

The entry into Wales from England is so far devoid of developments. This pleasing prospect of entry into a protected area (Wye Valley) would mean that the proposed development is completely out of character. Moreover, there are similar sites closer to Ross that already provide amenities and space for development. The proposed development would be the first of its kind in a residential area and could provide a nucleus for expansion. It is simply unnecessary and out of keeping in this location

The parking spaces on the proposed site are inadequate for the size of the development and staff would be prohibited from parking on the site. It is unrealistic to suggest that most staff would travel to and from work by public transport or cycle. The limited Monmouth Town bus service runs approximately once an hour with the last bus of the day at 18.15. This is clearly inadequate for staff working extended hours in a public house. There are no safety provisions for cyclists on local roads, most roads outside Monmouth are unlit and, quite understandably, few people in the area cycle to work. The inevitable consequence would be that most staff would travel to work in cars and park on Dixton Road, restricting traffic to a single lane, particularly for delivery vehicles, and contributing to tailbacks into Monmouth and onto the roundabout

Today I counted 12 empty premises in the town centre, significantly more than the 5 claimed in the latest Planning and Retail Assessment which is based on out of date information. The construction of two out of town retail units will put even more pressure on the retailers in the town centre and result in more empty premises. Monmouth town centre needs to remain a vibrant place to shop.

There are an abundance of public houses and restaurants in Monmouth - there is no demand. The original proposal was strongly based on evidence on sites of similar size but in very different environments

Furthermore in the interim Raglan services have opened which negates the need for a facility of this nature. It is particularly inappropriate as the first facility in Wales

The public house and retail units are of a character more suited to an industrial estate than an entrance into Wales and Monmouth

This proposed development also contravenes Policy RET4 in the Local Development Plan which seeks to focus future retail and commercial leisure /entertainment development in the County's designated Central Shopping Areas by having a detrimental impact on the vitality and viability of Monmouth town centre. There are other more suitable locations within Monmouth where bulky goods retail can locate

Living in the dead end street of New Dixton Road (off the roundabout) already gives me grave concerns for the residents of this street when we exit the roundabout and need to take an immediate right turn into our street. On a number of occasions vehicles have come very close to hitting me from behind whilst I wait for a gap in traffic coming out of Monmouth. No provision has been made for turning into our street, with the increased traffic there's an accident waiting to happen

Traffic congestion in this area is already out of control, traffic jams on the A40 coming from Ross are an everyday occurrence and the same with traffic coming out of town. This will only get worse as nothing is being implemented to overcome this problem

No allowance has been made to provide sound proofing defences (trees) up to say Leasebrook Lane. No indication of reduced speed limits has been made.

The report from Avebury suggests that the Marston's facility would not affect Monmouth town centre trade significantly (a requirement for planning approval under RET4) and actually benefit the town. The reality is that public houses have been closing over time, due to a lack of demand. There are several family eating facilities and if a Marston's were opened here, some trade that currently comes into Monmouth for meals will stop at Marston's, so reducing town trade, leading potentially to further closures and lost employment opportunities

The Avebury argument about bulky trades retail sites is weak. Several sites already exist, which provide additional facilities to the town centre, e.g. Wonastow road, Hadnock Road, Rockfield Road, Wyesham. There are also plenty of bulk retail establishments already, Wye Valley Country Stores, Screwfix, Mandarin Stone, Robert Price, Kitchen and Bathroom suppliers, etc. There are also vacant shops, which can be occupied, so no new retail park in Dixton is required.

Bulky goods include carpet warehouses, furniture, pc world, etc. Is it really sensible to put these on a new site at the entry to Monmouth?

The flood risk report submitted by the developer is inaccurate in its claims. It states that flooding has not impacted the site since April 1947. This is UNTRUE. Serious flooding of the site last took place in 2014! We believe the development creates significant increased flood risk obviously of particular concern for local residents.

The concept of keeping flood water in underground tanks until the river ebbs has caused alarm to Natural Resources Wales who consider it an undesirable 'last resort solution'

The Ecological Survey provided with the application is out of date. A survey not more than 2 years old should be being provided by the Developer.

There has been no consideration in this application of the viewpoints towards Monmouth, such as from the Kymin and other high points

There is compelling evidence that the proposed development will involve a reduction in Air Quality in the area that presents an avoidable risk to public health

Road noise in the area is already recognised by the Welsh Government as being a problem and the area has been prioritised for sound-reduction measures. Increasing traffic movements would be inconsistent and an arbitrary variation of the declared aim to reduce noise

Air quality concerns arising from A40 traffic pollution from Golf Links Lane to the Gibraltar tunnels has long been of concern to residents

(exceedance of limit values). This shows that there is a very high likelihood that the levels of NO2 Nitrogen Dioxide and PM (particulate matter dust) at Thursday 10th the development site is already higher than limit levels.

The consultant's report seems biased towards under-reporting the pollution, as might be expected. However, they felt obliged to acknowledge that NO2 levels already exceeded limit values and that the level of particulate pollution (PM10) was in significant excess of limit levels.

MCC has a statutory requirement to consider the impact of any development on the health of residents and of those who may use the facilities at the proposed development. Before allowing any development that involves any increase in traffic to take place at the site of this proposal, MCC

should arrange for the conduct of credible and independent detailed monitoring of current levels of air and noise pollution in the area. As a minimum, this should include monitoring the levels of NO2 and PM2.5 and PM10 in terms of annual averages and hourly averages (percentiles) using one or more fixed monitoring systems. To comply with Welsh

Government legislation (W.126: 2010 Environmental Protection Wales Air Quality Standards) if levels are found to be already at risk of being above limit levels, no development that could predictably increase levels by any amount should be permitted. I am an architect/planner with wide experience of urban and rural planning issues and am the Director of Architectural Practice at the AA School of Architecture in London. I was also involved from the outset in the restoration of Monmouth Shire Hall and have had a longstanding interest in a number of the developments in Monmouth and the surrounding lower Wye Valley area.

My objections to this development are several:

1 The Dixton Roundabout is already an overcrowded and dangerously dysfunctional piece of traffic engineering and the impact of a traffic intense fast food outlet can only exacerbate this.

2 Moving retail premises to the outer edges of the town can only suck business and income away from Monmouth Town Centre and add no value back into the town except for a very few low paid jobs.

There is only one pavement on Dixton Road which is on the opposite side of the road to the development. There is a concern for pedestrian safety (including school children) crossing the road.

When there is more traffic there is often a risk of more accidents. There have been incidents when Lorries have overturned on the roundabout, and also sad fatalities at the junction of Wye Bridge traffic lights.

Monmouth Comprehensive School:

o Potential consequences of an additional flood risk caused by the proposed development within the identified flood plain. We are aware that during the design development of our new school, Natural Resource Wales were clear on the implications of building within the flood plain were not supportable moreover detrimental to not only on our site but that of the surrounding properties / land. This proposed development seems to ignore the advice given to us from Natural Resource Wales regarding the principles of development within the flood plain moreover fixed levels of development at its relationship with flood level data including the consequences of potentially "moving flood waters" onto other properties. The proposed development is close to a busy main junction into the town and will only add an extra burden in traffic movements to an already congested and dangerous area

o The closeness of the proposed access into the site and the existing junctions also raises the concerns around highways engineering and the ability to ensure safe viewing on and off the site for vehicles, deliveries and pedestrians. Vehicular movements with and across the busy traffic flows.

o The concerns around additional traffic movements into and off the proposed site being located near to a large school (11-19), moreover the implications to safe routes to school for all our visitors and pupils, these will need to be fully tested to ensure that there is no compromise or potential conflicts to safe movements.

o The type and location of the development to the perimeter of the school adds a concerning complexity in the area of safeguarding. The proposal does not in any way address or stop the access from the development to the school site, moreover potential student movements from the school site onto the proposed development generated by its proposed uses. This is a fundamental flaw in the proposal and needs to be considered prior to any decisions.

o Monmouth is an historic town and is viewed by many of our students, parents and local residents as the Gateway into Wales. We believe that this site is of special interest and thus should, if developed be of a high quality. The proposed development of this nature is not "in keeping" with the development of a historical town especially regarding its setting, its economic requirements as a sustainable town, morphology and "sense of arrival".

I believe that our comments and objections have been well considered and relevant. We have considered them in the context of the development of our new school as well as being a neighbour to the proposal.

Dixton Lane and in very close proximity to the development:

Traffic on Dixton roundabout ongoing concern to staff and parents for a number of years now, this has resulted in the installation of a 'School' warning sign and flashing lights on the approach to the roundabout on the southbound A40.

Permitting this highly visible retail development immediately adjacent to the roundabout would increase the number and change the nature of vehicle movements in the area. Number of parking spaces are wholly inadequate to deal with the number of staff and customers with overspill onto Dixton Lane which is narrow with no pavements restricting access to emergency vehicles and coaches used by the school to transport its pupils. There is a likelihood that the school's car park would be used as an overspill.

## **6.1 EVALUATION**

### **6.2 Strategic & Spatial Choices**

#### 6.2.1 Strategic Planning/ Development Plan context/ Principle of Development

The application site is an unallocated site within the Monmouth development boundary. It is constrained by the conservation area, sitting adjacent to the north-eastern tip, with views of the site from the AONB to the east of the site. The Design Commission for Wales described the site as sensitive but not precious. It is a gateway site not only into the historic town of Monmouth via Dixton Road but also into Wales from the A40 link. It is very important therefore that this development provides the sense of place when entering Monmouth and does not depict the generic development that can so often characterise key junctions on motorways and A roads. It is therefore very important the proposed development is bespoke, functional and is visually appealing and interesting from the key receptors of the site.

The site has an extensive planning history, going back as far as 1989 for a hotel, following which permission was granted on appeal in 1991 for a drive-thru restaurant, petrol filling station and 40- bedroom hotel (LPA ref. 32799). This application was refused in November 1990. However, a duplicate application (LPA ref. 32799) was subject of an appeal and allowed on 24 May 1991.

However, a long time has passed since these decisions and there is no extant planning consent on this site. The site is now within a C1 Flood Zone and must meet the tests stated in TAN 15, addressed in detail below.

#### 6.2.2 Good Design/ Place making

There has been a significant amount of negotiation in the progression of this site, with the proposal being reduced in density and scale by removing the takeaway restaurant and drive through coffee shop from the scheme. Work commenced on trying to ensure that the development delivered a sense of place within this gateway site, with the buildings needing to reflect the context of the area and not be a single response to the end user - unfortunately this has the potential to lead to a bland and unacceptable form of development (and that had been the starting point with this scheme).

The prevailing message put to the developer was that the public house forms the lead in terms of design and the buildings should read as a 'family of buildings' with consistency of form, proportions and use of materials, etc. The form and proportion of the buildings proposed represent a significant improvement to the original proposals.

The public house has delivered in terms of design; the scale is more domestic whilst the proportions are traditional with a modern 'take' on a farmhouse providing a contemporary form of development. The external finishes proposed are a combination of natural materials reflected in the materials used on the two retail units, the combination of natural slate on the main roof with natural cedar boarding and render to the walls. There are details such as the materials and the main recessed entrance that is reflected in all three buildings that unifies the scheme. The only outstanding detail on the public house/restaurant is the large glazed unit proposed on the west elevation; this is a key part of the scheme in providing an interactive, interesting aspect of this building on a key elevation.

An agricultural scale is prevalent in both retail units proposed. The design and use of materials and fenestration are clean, natural and contemporary, with walls faced in vertical and horizontal cedar cladding, powder coated aluminium window and door frames, clipped eaves with powder coated rainwater goods. The roof material would be fibre cement panels. The proposed retail units use one soft application of materials, but vary them in application with a combination of horizontal and vertical boarding. Additional detailing is

secured within the main entrance points that are recessed and the windows and doorways set higher than the standard height, thus helping to create a more individual, bespoke design. The frontages are active with windows facing out on all of the frontages with a pedestrians walkway whilst a solid elevation is proposed to the rear and side elevation where there is no pedestrian movement.

There have been significant improvements undertaken during the course of this application with the landscaping scheme, particularly around the outside boundaries, ensuring an internal buffer in addition to the landscaping that sits around the perimeter outside of the applicant's control. An outside amenity area in association with the public house is proposed to the west of the site with an outside terrace to the north of the site enabling customers to take in the views across to the north- west of the site with the adjacent major highway buffered by the planting proposed.

The Dixon Road frontage is softened with the landscape belt proposed to the front of the site that wraps around the proposed access into the site. This coupled with the narrower, staggered gables of the Unit 1 facing Dixon Road minimises the massing impact upon this frontage, whilst the full height ground floor windows retain an active frontage that works along this busy road.

Despite this, there are aspects of this proposal that are important in creating the sense of place that have not been delivered: they are details that are important in ensuring that the development works well as a user within the site and when viewing the development from outside the application site. On consulting the Design Commission for Wales regarding the latest scheme they recognised the improvements but also stated that:

"Design quality must be pursued with the proposed development which will require high quality materials and detailing. This is important to achieve the vision set out in the visuals, which indicate a sleek and simple design that can be lost at the detailed design stage. Signage and lighting must also be carefully considered".

(i) The lighting scheme proposes 8 no. 6m high column lights, this is far too intrusive visually for this location and a lower key softer lighting scheme is required to be informed by the ecologists as well as the designers. Where street lighting columns are a necessity, these should be of a design that works well within the setting, the maximum height should be 4m, supplemented with lighting bollards. This has been requested and not delivered.

(ii) Despite numerous requests finishing details of the signage has not been provided, again this can potentially be visually intrusive, there is a totem pole proposed to the rear to attract custom from the adjacent trunk road yet no details have been provided. Whilst signage is subject to an advertisement consent application, it is necessary really to consider this amongst the overall built form of the site.

(iii) In addition to this the following information was also outstanding but are still very important in delivering a site that helps to create a sense of place by encouraging pedestrian free movement with circulation areas defined together with clarification of access connections beyond the site;

1. Details of hard surfacing materials delineation, the surface materials for car parking and pedestrian movement, (needs to be broken up using different high quality materials) with bays and pedestrian areas to be defined in a different material to the road, otherwise there would be large areas of tarmac or hard surface. Surface materials for the outdoor sitting area to tie in with pedestrian walkways for continuity of circulation, again this will need to reflect and tie into materials used for the public house. Porous materials required as an alternative to tarmac.

2. Planting bays to incorporate as rainwater gardens and therefore address surface water runoff. Details not provided. Street Furniture is essential, and needs to be incorporated with regard to sitting areas in key parts of the site. This does not have to be formal and there may be opportunities for some form of boundary treatment that doubles up as street furniture and provide some informal seating area. Details not provided

3. Bike rack and furniture materials to reflect the family of buildings. Details not provided.

4. Details of minor artefacts and structures (e.g. furniture, signage/interpretation, refuse or other storage units, signs, lighting, floodlighting and cctv installations to) Details not provided. Details of Bat and bird boxes to be provided on the proposed units.

5. Further details are required of the soft landscape areas for all private and public open space.

6. Hedgerows and hedgerow trees to be added as separation between walkways and car parking areas e.g. between Unit 1 walkway and the car park and between unit 2 and the car parking to the front of the unit (they have not shown this on the most recent layout plan and this has not been incorporated on the Landscape Strategy Plan).

7. Details of air conditioning units to ensure they remain hidden from all vantage points, this has not been delivered.

In summary, there have been significant strides made in improving the scheme and creating a sense of place that works well within this location. However, there are a number of very important factors that have not been addressed despite the Council requesting this information. It would be possible however looking at these details that this information could be covered by planning condition, although in the absence of this information the application would be refused on that basis.

Natural Resources Wales have responded today with the following comments:

We have been sent a copy of the proposed lighting plan entitled "external lighting layout", drawing No40272-Q0DA-00-00-DR-E-0901 Rev P. We have concerns with the lighting proposals, in particular, along the SW vegetated boundary and NW corner of the development - the areas where Lesser Horseshoe Bats were observed foraging previously. We advise that these areas and a route from them across Dixon Road are kept dark and, as such, the lighting proposals are revised. We understand that Kate is having further discussion with the applicant on this matter. We will therefore await revised proposals before responding formally.

This aspect is further discussed in par. 6.5 below.

#### 6.2.3 Impact on Amenity/ Promoting Healthier Places

As this proposal relates to a retail use and a family restaurant, the uses do not have a negative impact upon amenity. However, interested parties and neighbours have raised air quality as an issue of concern. MCC Environmental Health have confirmed that the rise in traffic volumes due to the proposed development would be low and that this does have a significant impact upon air quality.

There are neighbouring properties adjacent to the site, with further residential dwellings running along Dixon Road. The landscaping proposed as part of this development helps to mitigate against any noise or massing impact, which coupled with the generous separating distance prevents there from being any impact upon amenity.

If the correct conditions were in place ensuring that the outstanding details listed under 6.2.2 (iii) above were delivered, this would provide a layout that is permeable in pedestrian movement. This would ensure that there is pedestrian connectivity from one use to another, with provision for cycles with street furniture including benches, planting areas, etc. This, in association with the other design factors with the active frontages and outside amenity areas, creates a mentally more stimulating and social environment that results in a positive impact upon the amenity enjoyed by visitors to the site.

#### 6.2.4 The Welsh Language

There are opportunities through the signage and interpretation on the site to provide a platform for the promotion of the Welsh Language

#### 6.2.5 Sustainable Management of Natural Resources

Surface Water drainage is a key issue in the consideration of this site. This application proposes to tackle this with rainwater gardens, porous surfaces and a drainage system that will be subject now to a SuDS application.

Appropriate planning conditions could secure the details of the rainwater goods and surfacing.

### **6.3 Active and Social Places**

The Council's Highway Engineer has assessed how this proposal works in terms of the access and movement both within and outside of the site. In considering the requirements of pedestrian movement throughout the site, there are two points of pedestrian access from Dixon Road that form a pedestrian priority circulation route between the new buildings.

Changes of level would be addressed by means of ramps or gradients in accordance with best practice principles outlined in the Building Regulations. There is currently adequate provision for cyclists with cycle stands, although more can be done. The permeability and clear movement of pedestrians and cyclists is very much dependent upon the demarcation in surfacing materials and separation of spaces with appropriate street furniture and landscaping encouraging freedom of movement for these users. By imposing relevant planning conditions framed to identify exactly what the Council expects, this will deliver a scheme that reinforces active frontages with places to meet stop, settle and socialise. The site would also provide clear, safe landscaped links between uses, encouraging safe active travel within the site.

### 6.3.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

The nearest bus stop is approximately 300m from the site, so there is adequate provision of public transport. There is provision on site to cater for the bicycle. The site is 1km walking distance from town centre. The amended layout proposes the provision of a footway along the northern boundary of the development with Dixon Road and promotes two individual crossing points to the northern footway on Dixon Road. Concern has been expressed regarding the isolated nature of the site on the periphery of the town and the need for pedestrians to cross Dixon Road. The provision of the footway and the crossing points is welcomed and in this particular case following the removal of the fast food and coffee outlet, this significantly reduces the pedestrian trip generation. This precludes the need to provide controlled crossing facilities as the degree of conflict between pedestrian and vehicles and the available gaps in the traffic would not warrant the provision of a controlled crossing facility (pursuant to Department for Transport Guidance TA68/96, LTN 1/95 & LTN 2/95). It remains however that the proposed development is located on the periphery of the town and although the scale and type of development has been changed having regard to its location, together with the access routes to serve the site from the town centre is along Dixon Road, it is unlikely that this development will discourage the use of the private car.

### 6.3.2 Access / Highway Safety

The Highway Engineer is satisfied that the proposed access is acceptable in terms of highway safety. This is however subject to planning conditions requiring a service delivery plan for the public house / restaurant which would need to include the hours of delivery and compliance thereafter with agreed timeframes. Furthermore if the proposal is to be approved, detailed design, technical audits and safety audits for the proposed means of access off Dixon Road would have to be submitted to and approved by the Local Planning Authority. Subject to the relevant agreements and conditions the access and highway safety issues comply with planning policy.

### 6.3.3 Retail & Commercial Centres

The application proposal is inconsistent with the development plan retail strategy, which identifies town centre locations as the preferred location for new retail development, LDP Policies S6 and RET4. The independent retail assessor has sought to assess the significance of this conflict in context of the performance of the proposal against LDP Policy RET4 and PPW 10 requirements relating to out of centre development.

The nearest town centre in this case is Monmouth and the effect of the proposal on the vitality attractiveness, and viability of Monmouth CSA is an important consideration.

Paragraph 4.3.3 (PPW10) is to "sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and improve access to, and within".

With regard to the 'Needs Test' 4.3.13, it is important that communities have access to adequate levels of retail provision. Evidence should demonstrate whether retail provision is adequate or not, by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need).

As referred to by para 4.3.18, Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres. Par. 4.3.19 sets out that developers should demonstrate that all

potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. Para 4.3.23 states that, 'Some types of retail store, such as those selling bulky goods and requiring large showrooms, may not be able to find suitable sites or buildings within existing retail and commercial centres. Where this is the case such stores should in the first instance be located on sites identified for such a purpose in the development plan, preferably on an edge of centre site. Where such sites are not available or suitable, other sites at the edge of retail and commercial centres, followed by out-of-centre locations may be considered subject to impact and needs tests.'

In this case the sequential tests for both retail and the Public House/Restaurant were considered to be passed. The quantitative impact on the town centre's comparison trade as a whole would, at less than 5%, be modest. The high level of impact on the 'bulky goods' sector is because of the relatively small representation of stores selling 'bulky goods' in Monmouth. The actual scale of impact and where it would fall would depend on the actual occupiers of the proposed units, and the degree to which they would clawback trade from facilities elsewhere, and/or impact on existing shops in the town centre. Similarly, without more information on potential occupiers, it is difficult to form a clear judgement on the extent to which the proposed retail units might have a detrimental impact on future private investment in the town centre (LDP Policy RET4, criterion (d)).

In response, the Council have sought further information regarding the end users of the retail units, thus enabling a full impact assessment to be undertaken. It is necessary also given the current state of the retail sector to provide some comfort that there is a 'bulky goods' retailer willing to commit to this site. The worst case scenario would be where the Council are left potentially with vacant retail units, as there are no bulky goods retailers to occupy them and subsequently under pressure to consider alternative uses that may be potentially more unsuitable for this location and damaging to the town centre.

The applicant was unable to provide any comfort that there was a bulky goods retailer ready to occupy these new units.

In recent years there have been major economic changes affecting retailing and particularly market towns. The post-2008 recession hastened changes that would otherwise have occurred in shopper behaviour patterns. The growth of internet based shopping and relative strengthening of larger shopping centres at the expense of smaller centres has become more pronounced.

Monmouth benefits from its attractive historic centre, and this has enabled it to perform relatively better than many market towns. However, it does not make it immune from the pressures facing small town centres now, and it is believed that the proposed retail units do give rise to the risk of unacceptable detrimental impact on the vitality and viability of the town centre.

The vulnerability of the Town Centre can be demonstrated with the most up to date vacant units survey that was undertaken in November 2018. The figures are as follows:

<b>Year</b>	<b>No. Vacant Units</b>	<b>% Overall Vacancy</b>	<b>% Primary Units Vacant</b>	<b>% Secondary Units Vacant</b>
<b>2003</b>	19	10.1	9.1	11.9
<b>2005</b>	11	6.2	5.2	8.2
<b>2006</b>	9	5.2	6.3	3.3
<b>2007</b>	16	9.1	8	10.9
<b>2008</b>	12	6.8	4.5	10.9
<b>2009</b>	9	5.1	3.5	7.9
<b>2010</b>	14	8	6.3	10.9
<b>2012</b>	11	6.2	7	4.5
<b>2013</b>	14	7.4	8.1	6.1
<b>2014</b>	16	8.3	9.9	6
<b>2015</b>	15	8.1	6.9	10.9



<b>2016</b>	9	4.9	3.1	9.1
<b>2017</b>	20	10.4	8.33	14.3
<b>2018</b>	19	10.1	9.1	12.3

There is clearly a worsening trend in the vacancy rates of the town centre.

It is the judgement of the Council's retail assessor, however, that the impact of the proposed public house / restaurant would not be of a scale to threaten the role played by public houses / restaurants in supporting the vitality and viability of the town centre.

The view of the assessor has remained unchanged during the course of this application - that despite Monmouth town centre exhibiting some positive signs in terms of its offer and attractiveness to residents and visitors, it is potentially vulnerable (like many centres of its size). The proposed development, in this case the retail units (but not the public house), will have an unacceptable detrimental impact on the viability and vitality of the town centre contrary to the LDP policies S6 and RET4.

## **6.4 Productive and Enterprising Places**

One of the positives promoted by the applicant in support of the planning application is that of economic development and the creation of up to 55 jobs between the proposed public house and retail sector. The total number of new jobs created is not under question; what is of concern is the overall net gain in terms of jobs created. Indeed, without a full understanding of the potential impact upon the town centre stemming from a lack of knowledge on who the potential end user is, it is not clear how much this development will be at the cost of retailers within the town centre and a subsequent loss of jobs. In addition, there is concern regarding the quality of the jobs created in the hospitality and retail sector, which are typically low paid, low skilled jobs, and which both MCC Economic Development and the local Chamber of Commerce have confirmed, is a sector that is struggling to recruit.

### 6.4.4 Transportation Infrastructure

Careful attention has been paid to the requirements of pedestrian movement throughout the site, with two points of pedestrian access from Dixon Road that form a pedestrian priority circulation route between all of the new buildings with changes of level by means of ramps or gradients in accordance with best practice principles outlined in the Building Regulations. Vehicular access to the entire site is via the new vehicular access proposed from Dixon Road. This had been designed to accord with the recommendations made by the Council's Highways Department.

There is adequate provision for cyclists proposed for the scheme. Finally, there are 89 designated parking spaces provided within the car parking area with provision for disabled drivers included. This meets the requirement for car parking. The nearest bus stop is approximately 300m from the site, so use of public transport is within an adequate distance of the site. The Transport Infrastructure meets the requirements of the Council's Highway Engineers subject to the imposition of relevant planning conditions

## **6.5 Distinctive & Natural Places**

This development has sought to deliver a distinctive bespoke design through a strong built form that works as a family of buildings working alongside a layout driven by a strong Green Infrastructure scheme. The latter seeks to ensure the existing boundaries are re-enforced by additional planting to minimise any impact upon the Conservation Area and the wider historic environment. The GI proposed also helps to create a distinctive place to visit with conditions required to secure appropriate surfacing materials and delineation of spaces. This ensures there is a pedestrian-focused development that encourages interaction and a cross over by visitors to the different uses on site. As identified above, the scheme has managed to go some way in achieving this although details omitted including signage, street furniture and rainwater gardens are key in helping to make the site a distinctive natural place or alternatively significantly detract from achieving this. The proposed lighting scheme is unacceptable, with the numerous 6m high lighting columns not in keeping with

the context of this site, high totem pole signage may be visually inappropriate and intrusive, details that the Local Planning Authority would have needed to approve if the proposal was to be considered acceptable.

#### 6.5.1 Landscape/ Visual Impact

As discussed this is a highly sensitive site on the edge of a Conservation Area and importantly on the gateway into Wales, there are a number of viewpoints provided of the proposed development within the LVIA. These viewpoints do show how the development sits comfortably within its surroundings. This is primarily due to the landscaping that is both existing and proposed and the scale and form of the proposed built form. The application has proposed a strong landscaping scheme that reinforces planting on the periphery of the site and the new entrance to the site, helping the development to assimilate into the local area, including the rural backdrop to the north and the Wye Valley AONB to the east of the site.

However, during the twilight hours with the proposed lighting scheme this will make the scheme highly visible and visually intrusive within the landscape. The extent of the light pollution is not entirely clear although the height, number and method of lighting the site is at variance with the context of this rural high quality commercial development and detracts significantly from the scheme. This element is currently unacceptable and would thus form a reason for refusal of the application.

#### 6.5.2 Historic Environment

Impact upon the Conservation Area:

The historic environment goes beyond the Dixton Conservation Area that sits immediately adjacent to the northern boundary of the site. Monmouth is an historic market town with an important national history, it is a compact and well-delineated settlement and regeneration has focused on the enhancement and conservation of the town's historic buildings. This has provided a unique and individual shopping and dining experience suited to the nature of the buildings that make up its character and the valuable local and tourist trade. The result is a historic market town with the character of its historic buildings and historic context an integral factor in the visitor experience. To undermine this town centre potentially by this development resulting in further vacant units in the town centre will remove investment and undermine the vitality of the town centre. Therefore, whilst the physical built form is considered to have an acceptable impact upon the Conservation Area because of the scheme's design, layout and extensive landscaping on the periphery of the site, it could be argued that as a result of the potential impact that the proposed retail development has upon the town centre that this could have a detrimental impact upon the town centre undermining the historic core of Monmouth. However, this remains a concern due to an indirect impact and does not substantiate a reason for refusal in its own right.

#### 6.5.3 Green Infrastructure

This has been a key part in the negotiation of this site. Green Infrastructure has helped to shape the layout, influence the design and promote a sense of place between the proposed 'family' of buildings. The connectivity within the site works, but due to the constraints with the two major roads framing two of the three sides of this triangular site, the opportunities to connect beyond the site is limited. However, the peripheral planting is instrumental in helping the development to assimilate visually into the local area and to soften the proposed development from key vantage points. The Green Infrastructure also helps to frame key aspects of the site that need to be addressed in terms of design and helping to create a distinctive and natural place.

#### 6.5.4 Biodiversity

There are two aspects of concern raised. The first is that the bat and bird boxes required as an enhancement to the scheme has not been incorporated into the proposed plans, and so this aspect cannot be covered by a planning condition. There are concerns with the lighting proposed along the south west vegetated boundary and north west corner of the development site, i.e. the areas where Lesser Horseshoe Bats were observed foraging previously. The issue is that the plan does not provide light spillage drawings, making it difficult to demonstrate how light spill is to be reduced to the minimum levels possible.

The proposed lighting along the south west boundary and the service/car parking areas should be replaced with more appropriate lighting, for example, bollard lighting with cowls which direct light into the development site only. (a planning condition could cover this in the event that consent is granted).

A revised lighting plan is required taking into account the above points. The revised lighting plan should ensure the lighting spillage is reduced to minimum levels possible to the vegetation along the south west boundary and in the north-west corner of the site. In the absence of this, this element of the proposal forms a reason for refusal.

#### 6.5.5 Flooding

The proposed development is for non-vulnerable development in a C1 flood zone. The applicants have looked to work with a number of options on the site. Option 1 was to lower the land and ground level thus preventing any wider impact upon key receptors/dwellings outside of the site. This proved logistically to present an engineering challenge to facilitate access into the lowered site and was discarded as a viable option. The third option was to raise site levels so that the floor level of the development was high enough to meet the 1 in 100 year flood level. However this resulted in the land levels being raised significantly that was potentially visually intrusive and had a greater impact upon local dwellings who would experience an increase in their flood water level. The final alternative that the developers determined was the most sensible option was option 2 - to keep the floor levels broadly where they are, and details in accordance with this option were submitted accordingly.

NRW have objected for the following reasons:

The proposal fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

Furthermore, the FCA has used flood data which is now considered out of date. The new data will not change the potential consequences of flooding to and from the site, as it will show a greater risk of flooding compared to the flood data used to inform the December 2015 FCA.

These depths exceed the indicative tolerable conditions set out in A1.15. Again, when the most up to date data is considered these predicted depths increase.

Further information regarding the speed of inundation, and rate of rise of floodwaters have not been assessed against the A1.15 criteria.

Impacts on flood risk elsewhere, whilst the FCA shows a negligible increase in flood impact to receptors. The FCA did not provide any calculations or commentary on how it came to this conclusion. Therefore, NRW were unable to advise on the acceptability of this criterion.

There is no specific information/summary of the depths, velocities and flood hazards along the route which should be included within the FCA. However, NRW have undertaken their own calculation and have concluded the values exceed the guidance set out for access in table A1.15 of TAN 15. Policy SD3 requires that less vulnerable built development will be permitted within defined settlements or on sites allocated for uses such as employment. Development proposals within a flood plain will be required to a) demonstrate that the development is or can be protected by approved engineering works and b) or other flood protection measures and such remedial measures would not cause flooding or significantly increase the risk of flooding elsewhere. This proposal fails to accord with planning policy in particular it fails to demonstrate that development is or can be protected by approved engineering works, or does not increase the risk of flooding elsewhere.

The data that the calculations have been based on is now incorrect the result being that the results are actually under estimated in terms of the likely flood levels in both the 1 in 100 year and 1 in 1000 year event. In both cases, based on incorrect data the retail units is 1m under water in the 1 in 100 year event and 2.28m in the 1 in 1000 year event.

There is insufficient information provided to enable a qualified assessment on the impact upon key receptors to be calculated. Further information relating to the speed of inundation, and rate of rise of floodwaters have not been assessed due to insufficient information submitted.

It is concluded that the proposal fails to accord with national planning guidance and relevant planning policy.

#### 6.5.6 Water (including foul drainage / SuDS), Air, Soundscape & Light

There are very high ground water levels experienced in this general area, which may well adversely affect any surface water drainage arrangements put in place as part of proposed

works. Any change of land use impacts upon the natural hydrological cycle. With developments such as this the increase in impermeable area will increase run off and, if not controlled appropriately, have a high potential to increase flood risk elsewhere. This issue would be covered as part of a SuDS application.

## **6.6 Response to the Representations of Third Parties and/or Community/Town Council**

All of the concerns raised that are planning issues are addressed in the paragraphs above.

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

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

## **6.8 Conclusion**

### Conclusion

The application site is an unallocated site within the Monmouth development boundary. The site is described as sensitive but not precious, a gateway site on the fringe of a Conservation Area into a Historic Town. The scheme has been subject to significant changes to reduce density and scale and seeking to deliver a sense of place within this gateway site that is appropriate to this location, with the buildings needing to reflect the context of the area and not be a single response to the end user. In addition to the design of the building there have been significant improvements undertaken during the course of this application with the landscaping scheme, particularly around the outside boundaries. An outside amenity area in association with the public house is proposed to the west of the site with an outside terrace to the north of the site enabling customers to take in the views across to the north west of the site with the adjacent major highway buffered by the planting proposed. Despite this, there remain details that have not been submitted relating to lighting, (the current scheme is unacceptable), details outstanding regarding signage, street furniture surfacing materials, all details that are intrinsically important to the design of the scheme and creating the sense of place that is one of the key factors in making this scheme work. However, these remain details that (all other aspects being acceptable) can be secured as planning conditions.

The Highway Engineer, has concluded that all aspects of the scheme relating to pedestrian and vehicular access, car parking and circulation are acceptable subject to legal agreements securing pedestrian access points and appropriate planning conditions. The transport hierarchy has been considered and the site delivers (subject to conditions) access to public transport, provision on site for cyclists and permeability for pedestrians. It is recognised however, that its location will inevitably result in being accessed predominantly by the car user. There is concern regarding the isolated nature of the site on the periphery of the town and the need for pedestrians to cross Dixon Road. The provision of the footway and the crossing points are welcomed and together with the other measures incorporated within the scheme meet highway requirements. However, the application proposal is inconsistent with the development plan retail strategy, which identifies town centre locations as the preferred location for new retail development, LDP Policies S6 and RET4. The Council's independent retail assessor has sought to assess the significance of this conflict in context of the performance of the proposal against LDP Policy RET4 and PPW 10 requirements relating to out of centre development. The effect of the proposal on the vitality attractiveness, and viability of Monmouth CSA is a very important consideration. National Guidance, PPW10 (Paragraph 4.3.3), is to "sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and improve access to, and within".

With regard to the 'Needs Test' it is important that communities have access to adequate levels of retail provision. Evidence should demonstrate whether retail provision is adequate

or not by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need). However, no end user was delivered in this case and a need can only be fully assessed when there is an understanding of the type of bulky goods that is being considered.

Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. In this case the sequential tests for both retail and the Public House/Restaurant were passed.

However, the proposal fails to meet the impact test. The quantitative impact on the town centre's comparison trade as a whole would, at less than 5%, be modest. The high level of impact on the 'bulky goods' sector is because of the relatively small representation of stores selling 'bulky goods' in Monmouth. The scale of the impact on the town centre, and where it would fall would depend on the actual occupiers of the proposed units, and the degree to which they would clawback trade from facilities elsewhere, and/or impact on existing shops in the town centre. Indeed, without more information on potential occupiers, it is difficult to form a clear judgement on the extent to which the proposed retail units might have a detrimental impact on future private investment in the town centre (LDP Policy RET4, criterion (d)). The developer has sought to secure this through a condition restricting the development to a particular definition of bulky goods, restricting any other user occupying the units that may potentially undermine the town centre. However, it is necessary given the current state of the retail sector, to provide assurance that there is a 'bulky goods' retailer willing to commit to this site and the Council are not left with 'white elephants' on the site with subsequent pressure to give them a beneficial use from other potentially more damaging retail uses. It is the judgement of the assessor that the impact of the proposed public house / restaurant would not be of a scale to threaten the role played by public houses / restaurants in supporting the vitality and viability of the town centre.

The view of the independent assessor has remained unchanged during the course of this application - that despite Monmouth town centre exhibiting some positive signs in terms of its offer and attractiveness to residents and visitors, it is potentially vulnerable (like many centres of its size). The proposed development, in this case the retail units (but not the public house), will have an unacceptable detrimental impact on the viability and vitality of the town centre contrary to the LDP Policies S6 and RET4. The proposal fails to comply with national guidance PPW10 and local planning policy in this case.

There is a potential economic benefit from this site, although this is not clear due to a lack of information regarding the end users thus making it unclear what the potential job loss would be upon the employers within the town centre. This is coupled with the proposed quality of the jobs offered which are typically low skilled and low paid and therefore this is not an overwhelming factor for consideration in approving this application.

The proposed development is for non-vulnerable development in a C1 flood zone. NRW have objected for a number of reasons, as set out in par. 6.5.5 above.

Policy SD3 requires that less vulnerable built development will be permitted within defined settlements or on sites allocated for uses such as employment. Development proposals within a flood plain will be required to a) demonstrate that the development is or can be protected by approved engineering works and b) or other flood protection measures and such remedial measures would not cause flooding or significantly increase the risk of flooding elsewhere. This proposal fails to accord with planning policy in particular it fails to demonstrate that development is or can be protected by approved engineering works, or does not increase the risk of flooding elsewhere.

The proposal fails on three grounds, retail impact, flooding and lighting, and in line with national guidance and LDP policy is recommended for refusal accordingly.

## **7.0 RECOMMENDATION: REFUSE**

1. The retail elements of the proposed development (not including the public house) will have an unacceptable detrimental impact on the viability and vitality of the town centre contrary to national guidance, namely Planning Policy Wales 10 (PPW10) and policies S6 and RET4 of the Monmouthshire Local Development Plan (LDP). The application has failed on two counts in that there has been no evidence forwarded relating to an end user that can substantiate a need for the proposed retail use within this location, and secondly, in the absence of information regarding the end user and the goods that would be sold, there can be no forward judgements able to be made regarding clawback and the impact on Monmouth town centre.

2. The proposed development fails to comply with PPW Technical Advice Note 15 and Policy SD3 of the Local Development Plan. The proposed development is for non-vulnerable development in a C1 flood zone and has failed to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15. These depths exceed the indicative tolerable conditions. The Flood Consequences Assessment uses out-dated information, whilst the latest information when applied would lead to a greater risk of flooding than that indicated. There is a significant lack of information provided to demonstrate that the engineering works and other flood protection measures would not cause flooding or significantly increase the risk of flooding elsewhere.

3. The proposed lighting elements of the scheme would be excessive in scale and form, given the edge of settlement location. The lighting proposed would cause excessive illumination of the development in a sensitive, gateway location. As such, the proposal would be contrary to policies S13, EP13 and NE1 of the LDP.

**Application Number:** DM/2018/01064

**Proposal:** Conversion of existing steel framed workshop to a multi-purpose venue for filming kitchen and small residential cookery school with additional use as a holiday accommodation

**Address:** Workshop, Weir House, Llantilio Crossenny

**Applicant:** Mr & Mrs M. Tebbutt

**Plans:** Location Plan Location Plan - , All Proposed Plans PL 02 - , Site Plan PL 02 - , All Proposed Plans Vision Splay Site Plan\_13Feb19 - ,

**RECOMMENDATION: Approve**

Case Officer: Ms Kate Bingham  
Date Valid: 02.11.2018

**The application is presented to Planning Committee as a result of an objection from a statutory consultee, Highways.**

## 1.0 APPLICATION DETAILS

1.0 This application relates to an existing workshop/storage building located within the curtilage of the Grade II listed Weir House within the settlement of Llantilio Crossenny. The site is also within the conservation area and partially within a Zone C2 flood plain.

1.1 It is proposed to convert the building to a cookery school, filming location on the ground floor with holiday accommodation above. Two extensions are also proposed, a small single storey lean-to lobby on the south west side and a two storey extension on the north east elevation.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01093	Section fell 1 x mature Western Red Cedar tree.	Approved	30.07.2018
DC/2008/01330	Demolition of garage/office and erection of one dwelling (Renewal of application M/8647)	Withdrawn	
DC/2006/01627	Variation Of Condition 9 Of Planning Permission M/8647 (To Remove Need To Comply With Visibility Splay Requirements).	Withdrawn	

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

## Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
S16 LDP Transport  
S12 LDP Efficient Resource Use and Flood Risk  
S8 LDP Enterprise and Economy  
S10 LDP Rural Enterprise  
S11 LDP Visitor Economy

## Development Management Policies

HE1 LDP Development in Conservation Areas  
NE1 LDP Nature Conservation and Development  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
E3 LDP Working From Home  
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside  
SD3 LDP Flood Risk

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Llantilio Pertholey Community Council** - The Llantilio Crossenny Community Council would like the following points considered:-

1. What short term business lets would be permitted and would they have any effect on neighbouring properties
2. The Old Fuel tanks are in the ground from when it was a fuel station on part of the land may be contaminated.
3. Foul sewerage - it is believed that the septic tank is in a building by the stream with no soak-away. This may need checking by Environmental Health.
4. Does the land have any flooding issues?

**Glamorgan Gwent Archaeological Trust** - No objections. It is our opinion that the proposal is unlikely to encounter significant buried archaeological remains, and given the current information, therefore, it is our opinion that there will not be a requirement for archaeological mitigation works

**NRW** - We have no objection to the application as submitted.

**MCC Highways** -The amended plan submitted, Drawing No. PL02/Rev A Site Plan as proposed does not address the highway authority's previous concerns regarding improvements to the existing substandard means of access, the details submitted are scant and do not address the required improvements in any detail.

Insufficient information has been submitted indicating proposed levels of occupancy for either of the intended uses. The highway authority are unable to determine the suitability of this application due to the lack of specific information to support the application, the applicant has indicated that the proposal is to provide a multi-purpose venue for filming kitchen and small residential cookery school with additional use as a holiday let. No details of the proposed levels of occupancy for either of the intended uses have been provided to support the proposal, the highway authority require this basic information to determine whether:

The indicated levels of on-site parking provision is adequate

The location of the existing means of access location is suitable

Whether the increased vehicle movements have a negative and detrimental impact on the immediate highway network.

Additionally, the applicant is required to submit details of the necessary improvements to the existing sub-standard means of access, namely:



- The access shall be a minimum of 3metres wide and have 45 degree ease of access splays.
- Turning provision within the curtilage is provided to enable vehicles to access and egress the plots in a forward gear.
- No details of the available visibility splays.
- No details of how surface water from the development will be prevented from discharging onto the public highway.
- It is recommended that the drives shall be constructed in bound permeable material to accord with sustainable surface water management requirements and to avoid loose material being transported onto the public highway
- The existing means of access currently traverses the highway verge and the applicants attention is drawn to the note at the foot of this response and is required to provide the following detail in support of the application;  
Drop kerbs shall be provided at the edge of the carriageway.  
The ease of access splays shall be kerbed to prevent vehicle over run of the highway verge  
The access drives shall be constructed in hard bituminous material where they traverse the public highway verge

The highway authority therefore re-affirm previous concerns to the application on the grounds previously outlined and the applicant should be encouraged to submit the required supporting information as requested, however in the absence of such and if the planning authority are minded to determine the application, then the highway authority would recommend refusal.

**MCC Biodiversity** - Requested a Preliminary Ecological Assessment for the land around the building.

**MCC Tree Officer** - I would agree with the arborist's comments in his report that the trees are, on the whole, of low quality. That said, they still collectively make a valuable contribution to the conservation area. The tree report is satisfactory and will enable us to use appropriate tree protection conditions which should be appended to the permission if the scheme is successful.

**MCC Heritage** - No objections. The proposal is within Llantilio Crossenny Conservation Area, and within the setting of Llantilio Court registered park and garden (Grade II), and the setting of Weir House (Grade II). It is considered the proposal will not harm the above heritage designations. The access route is shared with Weir House and mature vegetation screens the plot site well as well as the highway. The current workshop does not make a positive contribution to the character of the conservation area nor enhances the setting of the Listed Building, the proposed alternative design will not impact upon the Listed Building, and would add interest as a 21st century addition to the conservation area. It is recommended external surface materials be conditioned, in order not to harm the character of the CA and to protect the character of the Listed Building.

**MCC Environmental Health** - There was a former smithy (later called Blacksmith) south of the site, and there is also an indication of potential tanks on the site (but no indication of what the tanks held, or if they are still there. I would recommend that the following conditions are attached, so the developer can look into this, especially as there appears to be local knowledge that the site was a petrol station and the tanks are still in situ. Recommend conditions regarding contaminated land and details of foul water treatment.

## 5.2 Neighbour Notification

One general observation received:

Would like more clarity on the section of the said proposal which reads "or short term business let". I feel that this needs to be more specific and would like to know what it could or could not permit and how we would be involved in the consultative process if any proposal that could cause a nuisance was planned. No disagreement relating to the use of the shed as a cookery school/filming venue.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

Llantilio Crossenny is designated as a Minor Village (Policy H3) within the Local Development Plan (LDP). The proposal is for a mixed business, tourism use as well as allowing the application to work from home. Owing to the H3 status of the village Policy RE1 Employment within Villages would not be applicable. Some Policy support is offered in Policy E3 Working from Home which sets out that, "Proposals for a development to allow a small business to operate from home will be permitted provided it can be demonstrated that there will be no adverse impact on the local amenity and/or character of the area".

In this instance it is considered that the proposed use accords with this policy, subject to detailed considerations including impact on Heritage assets (listed building and Conservation Area) as well as flooding, nature conservation and highways.

#### 6.1.2 Good Design/ Place making

The proposal is within Llantilio Crossenny Conservation Area, and within the setting of Llantilio Court registered park and garden Grade II, and the setting of Weir House Grade II. The access route is existing and mature vegetation screens the site well. The current workshop building is utilitarian and does not make a positive contribution to the character of the conservation area nor enhances the setting of the Listed Building. The existing concrete block walls will be clad with a combination of timber cladding and standing seam metal cladding with new dark grey/black metal windows and doors. The cement based profiled sheet roof will also be replaced with light grey steel sheets. There are also relatively modest extensions proposed on each side of the main structure which will add interest to the building. Overall it is considered that the proposed alternative design will not impact upon the Listed Building, and would add interest as a modern addition to the conservation area.

Samples to the external surface materials should be conditioned in order not to harm the character of the Conservation Area and to protect the character of the Listed Building as requested by the Heritage Officer.

#### 6.1.3 Impact on Amenity

There are no neighbouring residential properties within close proximity of the proposed conversion that could be adversely affected by the development.

### **6.2 Active and Social Places**

#### 6.2.2 Access / Highway Safety

The proposal is to utilise the existing means of access to the barn / workshop.

The Highway Authority have maintained a holding objection to the application on the grounds of lack of details of the proposed levels of occupancy for both of the intended uses. Additionally, they would like to see improvements to the access in the form of widening and additional 45 degree ease of access splays, formal turning provision and details of how surface water will be prevented from discharging onto the public highway. Highways requested that a permeable hard surface material is used to avoid loose material being transported onto the public highway. Also that dropped kerbs are provided and the ease of access splays kerbed to prevent vehicle over run of the highway verge.

The cookery school will be run by the occupiers of the main dwelling and is modest in scale. The kitchen can only be used as a cookery school when filming is not taking place and vice versa.

Filming is also likely to be infrequent and is likely to involve the occupier of the host dwelling. In any event, filming in the building would not require planning consent on its own.

There are five bedrooms proposed on the first floor, each of which is a double/twin. On this basis five car parking spaces have been provided. The access is an existing double gate with visibility of 2.5m x 43m in both directions within a 30mph zone which is considered to be appropriate in the context of the location and proposed use. It should also be noted that the access is existing and can already be used in association with the workshop/storage building. Although currently this building is used only for storage by the family of the host dwelling, more frequent use could be made of it without the need for further consent.

The area around the barn is already partially concreted with trees along the boundaries. Given the rural location of the building and the relatively small scale of the proposal, it is considered that a more formal access and parking area would be detrimental to the character and appearance of the area that is a conservation area. It could also harm local biodiversity and on this basis, it is considered that the existing access and parking/turning area should be retained as existing as far as possible. However, details of the proposed surface materials can be controlled via condition.

### **6.3 Productive and Enterprising Places**

#### 6.3.2 Tourism and Rural Economy

The provision of the cookery school and year-round holiday accommodation will help the rural economy of the county and is supported by LDP Policy S11.

### **6.4 Distinctive & Natural Places**

#### 6.4.1 Landscape/ Visual Impact

The site is well screened by existing established vegetation and therefore the conversion and extension of the existing building will have a negligible impact on the wider landscape.

#### 6.4.3 Historic Environment

There are no recorded archaeological features or finds within the location of the proposed development itself, although it is located within the Llantilio Crossenny Historic Settlement area, defined as a 'polyfocal' settlement. However, Weir House is a listed building (Cadw reference 24285) dating from the late 17th century, described as a Renaissance house; the description does not include any outbuildings. The existing workshop building is a large concrete block and steel framed industrial shed of significant proportions. The building does not appear on the 1945 map and after the site visit it would appear that the building was built after 1948 and so would not be classed as a curtilage structure. It is set on the west bank of the White Castle Brook; the building for conversion is on the east side. The building itself is modern in date and the conversion and extensions are relatively small in scale.

#### 6.4.5 Biodiversity and Trees

Due to the construction of the existing building (metal sheet roof and concrete block), it is not considered likely to be used by bats for roosting, feeding or resting and no further survey work in relation to bats is therefore required.

In terms of the land around the building, the trees are understood to be of lower quality but make a valuable contribution toward the character and appearance of the conservation area and should therefore be retained and protected during and after development. A condition to this effect has been included below. The council's Biodiversity Officer has requested a Preliminary Ecological Assessment is undertaken. However, given that no formal works are proposed to this area, it would be unreasonable to request that this be undertaken in this case.

#### 6.4.6 Flooding

The application site lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the White Castle Brook/River Trothy.

The proposal involves the conversion of an existing redundant steel framed building into a cookery school and filming kitchen on the ground floor (Less Vulnerable Development) with visitor accommodation on the first floor (Residential - Highly Vulnerable Development). The highly vulnerable development that forms part of this application is on the upper floor and likely to be above any potential flood levels should a flood event occur at this location.

Furthermore, a Flood Consequences Assessment submitted in support of the application which states that:

- The conversion of the building will not increase the building footprint and therefore will not increase flood risk to third parties.
- The location of the barn is approximately 2.4m higher than the watercourse, and the topographical survey indicates that levels raise away from the watercourse to the north east.
- From the topographical information and the extent of the flood area, the depth of flooding for the 100-year event is identified as being 120mm below the existing floor level of the barn.
- In the event of a 100-year flood event the access/egress to the site will remain dry and access and egress from the site can be to a higher elevation immediately to the north east of the building.

On this basis, NRW have no objection to the application as the flood level identified at the building is below the ground floor level. Furthermore, access and egress is outside of the Zone C2 floodplain. It is therefore considered that it would be unreasonable to refuse the application on the grounds of conflict with TAN15.

## **6.5 Response to the Representations of Third Parties and/or Community/Town Council**

6.5.1 Queries were raised in relation to the mention of 'small scale business use' in the original description of development. This referred to team building events at the cookery school for businesses and would not require separate consent and therefore has been removed from the description of development for clarity.

As the site was a former petrol station, the council's Environmental Health Officer has been consulted and has requested a condition be included on any consent in relation to contaminated land.

Highway objections and flooding have been addressed above.

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

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

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

- 1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

3 The accommodation shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.

4 An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.

REASON: To ensure the accommodation is used as holiday let accommodation only.

5 Prior to the commencement of the development full written details of the proposed foul water treatment system to be used to serve the development shall be submitted to and approved in writing by the local planning authority. Details required shall include the foul water treatment systems:

1. manufacturers information,
2. location,
3. capacity ,
4. location of any secondary treatment,
5. drainage field or outfall including details of percolation tests.

The approved scheme shall be implemented as approved prior to the use of the development.

REASON: To protect the amenity of the locality

6 No part of the development hereby permitted shall commence until:

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

7 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

8 (a) Prior to any construction plant, materials or vehicles being brought onto the site, a construction exclusion zone shall be established around each retained tree/hedge in accordance with the Arboricultural Method Statement (AMS) on page 17 of the Tree Report. This condition must be discharged prior to commencement.

(b) Protective fencing used for the above shall be in accordance with BS5837:2012 Trees in relation to Design, Demolition and Construction Recommendations and as shown in the AMS. Alternatively, the applicant may choose to use a different form of fencing provided that it is rigid, immovable, fit for purpose and with the written agreement of the Tree Officer of the LPA.

(c) Notwithstanding that the trees are subject to conservation area controls, any pruning required to facilitate the development may be carried out without normal notification to the local planning authority. All pruning works will be carried out in accordance with BS3998:2010 - Tree Work Recommendations.

(d) When work close to or within any construction exclusion zone is unavoidable, the developer is to engage the services of a competent arborist (as described in the AMS) to carry out a watching brief.

REASON: To ensure the protection from harm of valuable landscape assets in accordance with Council Policy S13 - Landscape, Green Infrastructure and the Natural Environment.

9 The finished floor level of the development should not be any lower than the existing level of 53.92mAOD.

REASON: To prevent flooding in accordance with TAN15 and LDP Policies S12 and SD3.

## **INFORMATIVES**

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

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

0 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

**Application Number:** DM/2019/00280

**Proposal:** Demolition of existing house, detached garage and outbuilding and construction of two detached houses

**Address:** Thorneycroft, Narth Road, The Narth, Monmouth

**Applicant:** Mrs. T Rayner

**Plans:** Location Plan 18.864.101 - , Site Plan 18.864/101 - B, Site Plan 18.864/102 - B, Elevations - Proposed 18.864/103 - C, Elevations - Proposed 18.864/104 - D, Ecology Report Preliminary Ecological Appraisal (PEA) - v3, All Drawings/Plans Proposed Planting Plan - 19/704/03, All Drawings/Plans Hedge Planting Detail - 19/704/05, Tree Pit Detail 17/704/04 - , All Drawings/Plans Root Ball shaving Detail - 19/704/06, Tree Survey Tree Survey and Arboricultural Impact Assessment by Wyn Davies (Macklay Davies Ass Ltd) - 02/07/19, Tree Protection Plan 19/704/02A - , All Drawings/Plans Tree Constraints Plan - 19/704/01

## **RECOMMENDATION: Approve**

Case Officer: Ms. Jo Draper  
Date Valid: 10.05.2019

**This application is presented to Planning Committee as there have been objections received from 5 or more separate households.**

### **1.0 APPLICATION DETAILS**

1.1 This application proposes to demolish the existing dwelling Thorneycroft and construct two detached dwellings on this site with a new vehicle access proposed central within the site, the existing vehicle access to be infilled with hedgerow.

1.2 The application site is situated within the minor village of The Narth, this is allocated in the Local Development Plan as a minor village suitable for infill residential development.

1.3 The site benefits from mature trees and hedgerows that run around the perimeter with further trees within the site. The application has proposed two detached dwellings that are identical but handed with the gables on opposite sides. The dwellings have two gables that project out to the front with a staggered depth and a lean-to porch situated in the middle. There is a flat roof conservatory (mansard roof glazed lantern central in roof) projecting to the rear.

1.4 Both dwellings have double detached car ports proposed to the rear accessed via a shared access that severs the site and separates the plot, both garages are located to the rear of the dwellings. Car parking for a further two dwellings are proposed to the front of each house. A new shared vehicular access centrally located is proposed, this is to be 4.8m wide to accommodate passing vehicles, with the exception of the crossover with the highway which is to be tarmac. The private drive, rear patio and associated parking areas serving each dwelling are constructed from porous paviers.

1.5 External materials proposed are as follows:

1. Slate Roof
2. Local Stone rubble walling (Applied to three elevation, front rear and exposed side elevation facing share access)
3. Grey self coloured render (conservatory and side outer facing elevation on main house)

4. Grey powder coated aluminium window/ u PVC windows
5. Natural oak weatherboard and frame cladding uncoated (Car Ports)

1.6 A tree survey, planting plan and a bat survey has been submitted in support of this application. This demonstrates that the majority of the existing trees are being retained on site, with 6 trees being removed due to ill health, the majority of trees being retained are situated on the east boundary. The planting plan is to be amended to show new hedgerow and tree planting clearly marked on all of the common boundaries both within the site and on the outside perimeter. This will be presented to Planning Committee as Late Correspondence.

1.7 The latest set of planting plans demonstrates more clearly the junction arrangement and treatment of the frontage. There is a mixed species hedge planted beyond the visibility line and maintained at a height of 2m above ground level. It is proposed that the existing dwarf wall to the front of the site is to be adapted and retained at approximately 250mm above ground floor level. Ground cover planting in shingle to private verge area.

1.8 The proposed planting plan shows clearly the tree and hedgerows to be retained together with the proposed new hedgerow and tree planting. In addition to the retention of the trees on site it is proposed to plant an additional 14 trees these are mainly dotted around the periphery of the site, with fruit trees defining the inner boundaries.

1.9 The application site is situated within the Wye Valley Area of Outstanding Natural Beauty (AONB).

## **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00280	Demolition of existing house, detached garage and outbuilding and construction of two detached houses	Pending Determination	

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
 S1 LDP The Spatial Distribution of New Housing Provision  
 S4 LDP Affordable Housing Provision  
 S13 LDP Landscape, Green Infrastructure and the Natural Environment  
 S17 LDP Place Making and Design

### **Development Management Policies**

EP3 LDP Lighting  
 DES1 LDP General Design Considerations  
 EP1 LDP Amenity and Environmental Protection  
 LC4 LDP Wye Valley AONB  
 H3 LDP Residential Development in Minor Villages  
 NE1 LDP Nature Conservation and Development  
 GI1 LDP Green Infrastructure

## **4.0 NATIONAL PLANNING POLICY**

**Planning Policy Wales (PPW) Edition 10**



The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Trellech United Community Council** - Recommend the application is refused.

A TUCC councillor would like to speak at any Planning Committee meeting that considers this application.

Proposal is contrary to Policy H5 - the proposed dwellings are of a form, bulk, size and scale that fail

to respect their setting:

(i) They are positioned towards the front of the plot, unlike the neighbouring houses, resulting in an overwhelming impact at the entrance to the village;

(ii) The existing building is approximately 75 m<sup>2</sup> footprint, whereas each replacement house would have a footprint of approximately 150 m<sup>2</sup> - a 400% increase in footprint (excluding outbuildings) and significantly larger than any adjacent properties.

(iii) The dry stone wall along the frontage (partially hidden by the hedgerow) is up to 1m high, contrary to information in the application, and should be retained as it is characteristic of the settlement, as are the hedgerows.

(iv) The hedgerow is also of ecological significance - the ecology survey has identified the presence of hazel dormice, which are a protected species. Drainage would also pose a major potential problem (Policy SD3 - Flood Risk).

There are seasonal springs on the site and there is already considerable run-off from the site onto the road. The addition of two large houses, plus paved drives and hard standing will significantly increase runoff, even with the proposed use of permeable paviers.

A comprehensive SUDS should be required before planning approval, as per LDF para 6.3.27.

It should be noted that relocating the houses further back on the site, with garages and hard standing in front of the dwellings, would substantially reduce the total hard surface required.

**MCC Ecology:** Initial objections to the survey level have been resolved by the revision of the ecology report to include bat activity survey of the buildings to be impacted. The survey found that there were no bats using the buildings on site. Given the loss of potential these buildings offered to roosting bats and the high quality bat habitat surrounding the site, mitigation in the form of bat roosting provision and a sensitive lighting regime should be secured as part of any consent granted. Evidence of nesting house martins was noted during survey, demolition of the buildings and surrounding vegetation with potential for bird nesting must be undertaken at the appropriate time of year to safeguard nesting bird species and mitigation secured in accordance with the recommendations of the above report.

Whilst the ecological report references no trees or hedgerows to be lost as part of the proposal it is clear that there will be some loss as illustrated in the proposed plans. In order to safeguard species such as nesting birds, dormice, reptiles and amphibians that have the potential to be using some of the habitats present on site, it will be necessary to secure a Construction Environmental Management Plan as a condition of approval

**MCC Tree Officer:** It is pleasing to see that the proposed two new dwellings will be able to accommodate the majority of the existing trees the site. It would appear that only six trees will require removal and for valid reasons, based on poor health and life expectancy. It is suggested in

the tree report that Tree No 27, The Weeping Willow which is down for removal may be retained by pollarding and allowing it to regrow. This should be encouraged.

It is my opinion that the planting plan will more than compensate for any tree and hedge loss. The suggested tree and shrub species, which includes Amelanchier (Serviceberry), Cercis (Judas Tree) Pyrus (Ornamental Pear) and Arbutus (Strawberry tree) etc. is both interesting and imaginative and will make a welcome improvement to the existing landscaping.

There will of course be a requirement for the submission of further arboricultural information i.e. Arboricultural Method Statement to be submitted as a planning condition

**MCC Highways:** The proposed access road junction arrangement provides sufficient forward visibility onto the public highway, the internal access road proposal is sufficient in width to accommodate 2-way traffic and is to be construction with a permeable paving surfacing. The proposed carport/vehicle hardstanding arrangement provides sufficient parking in line with the requirements of MCC Parking Guidelines SPG with the internal access road being size/layout will allow vehicles to turn within the development and exit onto the public highway in a forward gear. No highways grounds for objection.

**Dwr Cymru Welsh Water:** No objection as private system is proposed.

## 5.2 Neighbour Notification

16 representations received objecting to the proposal on the following grounds: (a number of neighbours state they have no objection to the houses but have concerns regarding the implications of the dwellings)

- Affect local ecology
- Increase danger of flooding
- Traffic or Highways

Water- The water table in this area is very high due to a large number of springs surrounding the site. It only needs a summer shower to flood the road through the village at this point and cause big problems for people on the lower side of the road.

Trees- The application states there are no trees, when there are a large number giving privacy to neighbours, enhancing the property, and giving shelter to wild life.

Roadside wall and hedge - To remove wall and hedge making the road wider at this point would make the traffic faster in both directions causing the chances of a major accident to be even higher on the bends at either end of the property.

Replacing the low wall would give good visibility in both directions.

The wall is characteristic of the majority of properties throughout The North.

Potential development to rear of the site - reassurance needed that the long driveway to the top of the property will not facilitate further residential development to building in the field behind.

- Close to adjoining properties
- Conflict with local plan- as the developer is proposing to demolish Thorneycroft this is no longer an infill plot more a development.
- Development too high
- Increase danger of flooding
- Increase in traffic
- Not enough info given on application
- Potentially contaminated land
- Thorneycroft has a perfectly good entrance, why the need for the new road to the rear, a new entrance for the infill dwelling would be sufficient, no need for a large expanse of tarmac.
- Plans for a drainage channel at the junction with the highway where will that discharge?
- The plans also say on the road frontage the existing wall will be maintained at a height of 250mm as the wall is around 900mm high now, that means removing the old stone wall?
- In this area we are on a heavy clay, these houses are very large and they are going to need very large areas of drainage pits?
- According to council planning guidelines, infill houses should be of similar size and build of its neighbours, this development is neither
- Out of keeping with character of area

- The agricultural field beyond this development has been proposed by the owner as a candidate residential site for the LDP (CS0082) but currently has no access to the highway. The proposed development includes a shared drive which leads almost to the rear of the site and which appears to be intended to provide future access to the agricultural field beyond, perhaps to improve the chances of a positive decision from the LDP assessment process later this year in order to facilitate further development.
- This one entrance could also divide straight away to separate drives to garages at the front of properties, thus doing away with the need for a long shared drive covering less vegetation
- The current plans are not an accurate representation. The plans do not include all on-site trees and it is clear some would need to be removed to enable the building to progress
- Prefer to see both properties located further from the road to limit the imposing facade from the road. The front aspects of the current house and the property adjacent (Twin Oaks) forms a much better building line than is currently proposed by the plans. This would mean the new houses would be approximately 10 metres further from the road reducing their imposing impact and better continuing the building line.
- Each of the proposed dwellings is more than twice the size of the existing property or any of the current neighbouring properties, and both are closer to the road. The proposed development will be visually prominent and the estate-like layout is out of keeping with the village, which is mostly modest dwellings with individual private drives and large gardens.
- Over development
- This site occupies a prominent position on one of two main access roads into the village. The extensive, continuous mature hedgerow along this road forms an important part of the village aspect and rural feel of the area, highly valued by residents.
- The proposed changes to the wall and hedgerow will result in a significant loss of rural character contributing to an urbanisation of this area. This would be particularly regrettable at this initial entry point to the village.
- The size and design of the houses is also out of keeping with the character of the area. Large executive style houses, with the rest of the plot largely covered in tarmac and hard standing, will adversely affect the appearance and visual amenity, as well as reducing the wildlife habitat on the site. The plan includes a road through to the wildlife-rich meadow behind, currently outside the development area the owner has submitted as a candidate development site for the new Local Development Plan (CS0082).
- These concerns reflect residents' opinion, evidenced by consultation leading to our Community Led Plan (2015) in which there was a clear consensus that new development should be of smaller homes which reflect the rural nature of the village. 97% of respondents felt it was very important to retain green verges with no increase in urbanising kerbs and pavements. The concluding objectives are:
  - (I) Ensure planners, developers and residents are aware of the need for sympathetic design and that developments do not detract from the rural nature of the village
  - (II) Seek ways to influence planners and developers so that any new residential development is affordable for local people
  - (III) This is in keeping with LDP policies relating to Minor Villages: H3 permitting infill subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape LC4 on development within the AONB; and the overarching Strategic Policy S17.
- The supporting information is misleading it states "The proposed dwellings have a footprint area that sits broadly between those of the adjacent dwellings, Twin Oaks and White Rose." Twin oaks is around 195sqm and White rose is around 115sqm, these proposed buildings are around 278sqm
- Hedging along the front of the property must be retained to conserve the appearance of the village.
- Has the Council or the developer/his advisors considered the need for an appropriate sized storm water drainage catchment and discharge system to cater for the likely increase in groundwater run-off onto the North Road arising from the large building footprints; paved and hard standing areas as well as the development access road?
- The North is located within the Wye Valley AONB and is described in the Monmouthshire LDP 2010 as "not feeling totally like a suburban development"
- The proposed Thorneycroft development in the first property on entering the village and the removal of trees and hedging would alter the character, vista and aspect of the village.

- This development needs to be considered in accordance with The Narth's status as a H4 village

### 5.3 Other Representations

None received to date.

### 5.4 Local Member Representations

Local Member requests that this application is presented to Planning Committee.

## **6.1 EVALUATION**

### **6.2 Strategic & Spatial Choices**

#### 6.2.1 Strategic Planning/ Development Plan context/ Principle of Development

The Narth is classified as a minor village in the LDP whereby infill residential development is acceptable. In this case, the proposal is for a replacement of the existing dwelling and an infill plot in the space between this and the neighbouring dwelling Twin Oaks. There is no issue in the replacement of the existing dwelling as it is lacking in architectural merit. Looking at the character of the area with regard to density and layout, there is the space to comfortably accommodate two dwellings on this plot.

Policy S4 of the LDP requires that all housing developments including conversions to contribute to affordable housing within the County. The proposal would provide a net gain of one additional dwelling and therefore the proposal would be required to provide a contribution to be section through Section 106 Agreement.

However, a viability assessment has been submitted with this application which has been run through the 3 Dragons Toolkit and has been shown to be unviable to make a contribution towards affordable housing.

#### 6.2.2 Good Design/ Place making

When approaching the village from the west, the application site is the first plot that marks the beginning of a continual pattern of built form on the south side of Narth Road. With regard to the 4 houses to the east of the site, they are each front facing and fill the majority of the width of their individual plots. Whilst on plan this would appear to create a hard settlement line, this development is softened by hedgerow, mature landscaping to the front boundaries coupled with the generous front gardens. There is a broad building line from 'The Oaks' to 'White Rose'. The neighbouring property Twin Oaks is set further back in the plot and breaks this line. Plot A, which is on the western side of the plot, is set back from Plot B and oriented at an angle, the bulk of this dwelling is not significantly further forward from Twin Oaks. (Twin Oaks is set back approximately 25m from the front boundary with the highway, whilst the main bulk of plot A is set back over 26m away, the gable to the front is 21m) . Plot B whilst set further forward to Twin Oaks is broadly in line with the building line that follows from White Rose ( Plot B is set back from the road frontage by over 19m for the main bulk of the dwelling, the gable is closer at 16.8m, White Rose is set back by 15m, Tir-y-Berth is 17m). The siting of the dwellings do not appear out of character in this setting.

There has been concern raised regarding the size of the properties as they are considered to be unduly large in relation to neighbouring properties in the area.

The proposed dwellings each measure 14.5m in width, with a depth of 10.8m, height to eaves is 4.6m and ridge height 8.9m. With regard to footprint, the following measurements (frontage) are of the neighbouring properties (NB: approximate measurements taken from GIS mapping system):

Twin Oaks 14.5m  
White Rose 19.5m  
Tir-y-Berth 25m  
The Oaks 17m

The width of the proposed dwelling are not out of character in this case, the proposed dwellings are deeper than the neighbouring properties, although there is no public vantage point of the depth of the property. The height of the proposed development could have been an issue as 3 of the 4 neighbouring properties are single storey, however the immediate neighbour is 2 storey with a ridge height that is not dissimilar to the proposed scheme. Both of the dwellings each sit comfortably on the plot and whilst significantly different to the very low-key development that exists currently, the new development will be visually acceptable in this setting.

With regard to amenity, there are no first floor windows serving habitable rooms that can have a direct overlooking impact. There is sufficient separating space to prevent there from being an over bearing impact between existing and proposed dwellings. In the case of all common boundaries both within the site between the proposed new dwellings and on the outer perimeter of the site, with the existing occupiers, the boundary is to be defined and reinforced with hedgerows and additional tree planting. This softens the development from the aspect of the neighbouring properties and improves privacy between existing and new occupiers. There is no significant adverse impact upon neighbour amenity.

There is concern that the site will be exposed altering the character with the removal of the wall and hedgerow. The stone wall (which is currently indistinguishable under the existing hedgerow) is being retained but lowered to 250mm. A hedgerow is being replanted behind the visibility splay. Neighbouring dwellings in the immediate vicinity have hedgerows planted behind the visibility splay, whilst others have hedgerow boundaries that sit tight to the highway. The change in the line of the hedgerow will therefore work within this setting. In addition, there will be existing planting retained to the front of both dwellings, with additional trees planted to the front of the site. Both will help to assimilate the proposed development into the surrounding area. The site may well appear a little more exposed when the existing mature hedgerow has been removed and the newly planted hedgerow and new trees have yet to mature. However, there is a significant net gain in trees on this site, 6 trees are being removed, with a minimum of 14 new species being planted which the tree officer has recognised as being an interesting and diverse mix. There is still a significant amount of existing foliage on site being retained with mature trees and hedgerows forming the backdrop and framing the site to the side and rear boundaries. This will provide a satisfactory landscape buffer, enhanced further with the additional planting as and when it matures.

With regards to a sense of place in this area, this is defined by the hedgerows framing the highway, the generous spacing between housing, large front gardens, mature landscaping and mix of house designs. Subject to appropriate conditions imposed securing the retention and implementation of planting, this development respects all of these factors that help to define this sense of place.

### 6.2.3 Sustainable Management of Natural Resources

Plot B has been set forward in the plot enabling the mature trees situated on the south and east boundary to be retained and not be compromised by pressure from future occupiers to be removed due to overshadowing/overbearing etc. This facilitates retention of these the trees whilst the rear of both plots still benefit from a south facing garden as there is enough space at the rear of the site for the sunlight to access the back of the dwellings without being obstructed by the trees.

### 6.2.4 Access / Highway Safety

The application proposes a new shared access with improved visibility, the existing vehicular access would be closed off which would be secured through planning condition. Submitted plans for the new single central access detail appropriate visibility splays in each direction. The Council's Highways Engineer is satisfied with the proposed access arrangement and raises no objection to the layout proposed. The provision of a shared access is preferable to two individual entrances which would introduce unnecessary conflict. The net addition of one additional dwelling is not considered to provide unacceptable additional levels of traffic movement to the locality.

The site also provides adequate off-site parking provision in accordance with adopted Supplementary Planning Guidance (SPG) in respect of parking standards. The site also contains sufficient room for vehicles to turn within the site to enable them to enter the carriageway in a forward gear.

Consequently it is considered that the proposed development would not cause unacceptable harm to highway safety to all road users, as such the development is in accordance with the objectives of Policy MV1 of the adopted LDP.

### **6.3 Distinctive & Natural Places**

The North is characterised by a mix of housing design reflecting the different ages of when they were constructed, there is no overwhelming design criteria for the site, with both contemporary and traditional potentially working in this context. What is important in this area and makes it a distinctive place are the features that characterise the area. In this part of the North it isn't a particular type of size of housing as there is such a mix within this location. It is actually the different types of housing that make it distinguishable; the hedgerows and landscaping that frame the highway and separate the dwellings, the generous plots. The landscaping is particularly important given its location within the Wye Valley AONB.

This development does not propose a distinctive house type, it is however different to the others, they are not out of scale with the surrounding dwellings and the spacing, landscaping and access work with what is established in the area. The landscaping, in particular tree retention and additional planting has been improved significantly through negotiation during the course of this application. The result is a scheme that retains the majority of what exists on the site and delivers more in terms of additional planting. The development as a whole including its siting, landscaping and uses of natural surfacing materials helps to create and enhance what is a distinctive and natural place in compliance with planning policy.

#### 6.3.1 Landscape/ Visual Impact

This site has the benefit of containing a large stock of existing trees and foliage that is being included within the proposed landscaping of this site.

The northern boundary is enclosed and screened by a trimmed hedgerow (2.5m high) on a low stone wall. The hedgerow consists predominantly of hawthorn and sycamore with dog rose, honey suckle and elder. The proposed new road access will require the removal of over half the existing roadside hedgerow (H1) to accommodate the desired sight lines. New hedgerow planting to mitigate the loss of the hedge is proposed.

The tree survey that was submitted has identified numerous groups of trees around the perimeter of the site consisting mainly of ornamental garden trees including birch, acacia, Lawson cypress, silver fir, spruce, red oak & Norway maple. The majority of trees on site are considered to be of low arboricultural value, however they do provide limited amenity value. A number of the larger group trees are considered to be of moderate category 'B' value, however there are no high quality (category 'A') trees on site. These trees apart from 6 are being all being kept and incorporated into the landscape scheme for the site. A condition is required to protect the trees during construction, to ensure that there are no excavations or ground disturbance within the root protection areas of the retained trees.

There has been concern that this development will have a detrimental visual impact upon the surrounding area. What is proposed is so very different to what is there now, the site will inevitably change as one relatively modest house that sits on an extremely large plot is replaced with two larger dwellings. The landscaping is crucial in helping this development to assimilate into the local area, this has been achieved in this case as the existing landscaping stock is maximised and additional planting more than compensates for the loss of trees and hedgerow. The landscape and visual impact of this proposal is acceptable in this case.

### 6.3.2 Green Infrastructure

The green infrastructure in this proposal is isolated to landscaping within the site, with the new hedgerows retaining and framing the character of the site including the public highway which is in the public domain. There are however no opportunities to create links outside of the site.

### 6.3.3 Biodiversity

There were initial objections to the survey level that have been resolved by the revision of the ecology report to include bat activity survey of the buildings to be impacted. It is proposed that mitigation in the form of bat roosting provision and a sensitive lighting regime should be secured as part of any consent granted. Evidence of nesting house martins were noted during survey, demolition of the buildings and surrounding vegetation with potential for bird nesting must be undertaken at the appropriate time of year to safeguard nesting bird species and mitigation secured in accordance with the recommendations of the above report.

In order to safeguard species such as nesting birds, dormice, reptiles and amphibians that have the potential to be using some of the habitats present on site, it will be necessary to secure a Construction Environmental Management Plan as a condition of approval.

Ecologically the proposal subject to relevant planning condition complies with Policy NE1 of the Local Development Plan.

### 6.3.4 Water (including foul drainage / SuDS), Air, Soundscape & Light

Neighbours have raised concerns regarding surface water discharge and the potential for flash floods that has a direct impact upon the public highway. This is not in a flood zone any localised flooding instigated by heavy rainfall and surface water issues will be looked at and designed out as part of a SUDS application

## **6.4 Response to the Representations of Third Parties and/or Community/Town Council**

Addressed above with the exception of the following points:

1. The Community Council have made reference to Policy H5, this is not a replacement dwelling in the open countryside, it within the established village which is minor village suitable under Policy H3 for infill residential development.
2. There has been concern raised regarding the access that leads to the rear boundary potentially facilitating the development to the rear of the site which has been submitted as a Candidate Site. Whilst this is not relevant to the consideration of this application, it is noteworthy that the latest planting plan which the site layout plan is being amended to accord with terminates the access at the car port serving Plot A with a grass verge beyond and hedgerow being planted on the rear boundary.
3. A neighbour has raised concern regarding contaminated land this is not identified as a constraint on our records.

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

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

## 6.6 Conclusion

6.6.1 The demolition of the existing dwelling and replacement with two new detached dwellings is considered acceptable for the reasons detailed in Sections 6.2-6.6 above. Whilst the site is located within the sensitive Wye Valley AONB the design solution of the dwellings, including additional soft landscaping, would not detract from its setting.

The proposal does not have an unacceptable impact on the amenity interests of any third parties and the proposed access changes would provide a safe single point of entrance.

6.6.2 On the basis of the above, the application is considered compliant with the requirements of the relevant Local Development Plan and is recommended for approval subject to the conditions set out in Section 7.0 below.

## 7.0 RECOMMENDATION: APPROVE

### Conditions:

- 1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

- 3 Construction environmental management plans (Biodiversity) - No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

NOTE See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP

REASON: Reason: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

- 4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building until an appropriate lighting plan which includes low level PIR lighting and allows dark corridors for bats has been agreed in writing with the LPA.



REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

5 No operations of any description (including all forms of development, tree felling, tree pruning) shall commence on site until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full compliance with the Arboricultural Method Statement.

REASON: To protect important landscape features within the site and to ensure compliance with LDP Policy GI1.

6 Mitigation for bird and bat species must be provided in accordance with the recommendations illustrated in the enhancement and mitigation plan (page 21) of the submitted ecological report "Thorneycroft, Preliminary Ecological Appraisal produced by AVA Ecology - Version 3 dated 08.05.2019"

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

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

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

9 The existing access to the site from North Road, as identified on Drawing 18.864/101 B, shall be closed in accordance with the approved plans, Drawing 18.864/102 C, within one month of the proposed access being substantially completed.

REASON: In the interest of Highway Safety and to ensure compliance with LDP Policy MV1.

**Application Number:** DM/2019/00413

**Proposal:** Retrospective planning application for existing garden play equipment.

**Address:** The Coach And Horses Inn, Caerwent

**Applicant:** Mr Mark Isaac

**Plans:** Site Layout - , Location Plan

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Hinton

Date Valid: 07.05.2019

**This application is presented to Planning Committee due to the volume of public representation received**

### 1.0 APPLICATION DETAILS

1.0.1 The application seeks full planning permission for the retention of large scale children's play equipment within the beer garden associated with The Coach and Horses Inn, Caerwent.

1.0.2 The plans submitted indicate that the site equipment currently comprises two timber climbing frames (of varying sizes and designs); a dragon slide; two tree slides (of varying design) a castle slide and a see-saw. The dragon, tree and castle slides are constructed from a shaped fibreglass outer shell with an internal steel frame.

1.0.3 The first climbing frame comprises a painted timber structure measuring approximately 4.7m wide, 1.3m deep (not including slide) with a maximum height of 1.95m. The apparatus is positioned approximately 18m to the south of the main building and 3.6m from an existing post and wire fence on the eastern boundary which is set approximately 2.7m to the west of the Roman city walls.

1.0.4 The dragon slide has a diameter of approximately 2m and a maximum height of approximately 3.5m and is positioned 4.1m from the fence line.

1.0.5 The second climbing frame has a width of 5.4m, depth of 4.5m and maximum height of 3.4m and is constructed from tanalised timber with a natural finish. The development is 2.1m from the existing fence line

1.0.6 The first tree slide has a main diameter of 1.9m (not including branch/ swing projections); a height of 2.5m and is positioned 2.8m from the fence line;

1.0.7 The second tree slide has a principal diameter of 1.6m (not including branch/ swing projections), a height of 3.2m and is positioned 2.8m from the fence line;

1.0.8 The castle slide has a diameter of 2.1m, a height of 2.45m and is positioned 2.9m from the fence line.

1.0.9 The see-saw measures 3m wide with a maximum height of 0.55m.

1.0.10 The garden also contains a number of chattels and mobile elements such as a timber boat, play houses, adult and child picnic benches and various toys such as push along walkers, ride-ons and scooters, etc.

1.0.11 With the exception of allowances granted for minor operations under Schedule 2, Part 2 Classes A - C of the Town and Country Planning (General Permitted Development) Order 1995, businesses of this nature do not benefit from permitted development rights. The Town and Country Planning Act 1990, defines the term "development" as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

1.0.12 As the majority of the apparatus and structures are surface mounted and lack a solid base or foundation they cannot be considered to be a building. However, as the structures are on site permanently and are not readily moveable, their installation is considered to be "operational development" i.e. works that result in some physical alteration to the land which has some degree of permanence in relation to the land itself. If operational development occurs without the appropriate permission and four years passes from the date of substantial completion, the development becomes immune from enforcement action. An application for the retention of the equipment was originally submitted on 31st July 2018 but was never made valid. Based on this time lime anything erected or installed on site prior to 31.07.2014 is deemed to be immune.

1.0.13 From aerial photographs of the site and images available via Google Street view, it is apparent that the dragon slide and painted timber climbing frame were installed prior to the years 2000 and 2009 respectively and are therefore immune from action. However, the second climbing frame, two tree slides, castle slide and see-saw were installed post September 2014 and therefore require consent.

1.0.14 Following discussion about moving the apparatus further away from the Roman walls, the applicant has confirmed that due to maintenance needs associated with an existing hedge, moving the equipment would result in a greater loss of garden area and as a result has requested that the application be considered in its current form.

## 1.1 Site Appraisal

1.1.1 The Coach and Horses is a detached two-storey building offering bar, restaurant, function room facilities and guest accommodation. The site is located centrally within the village of Caerwent and is positioned on the eastern most edge of the Caerwent Roman City which is designated as a Scheduled Ancient Monument. The existing city walls form the easternmost boundary of the premises adjacent to the category c (classified) highway.

1.1.2 The beer garden is located to the south-east of the main building. Due to the raised level of the site, parts of the equipment within the garden are visible from the residential properties and vehicular highway to the east. Public footpath, 353/AWCPCL1/2 runs along the top of the walls, immediately adjacent to the garden area.

1.1.3 The proposals map of the Monmouthshire Local Development Plan (LDP) identifies that the site is located within the Conservation Area of Caerwent and forms part of the archaeologically sensitive area and the Roman City Scheduled Ancient Monument.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/00754	NMA - Minor amendments to approved plans with a small increase to conservatory following the existing lines of buildings. (Relating to planning DC/2016/01114).	Approved	17.07.2018

DM/2018/01243	Application identifying all play equipment in the garden (some has been there in excess of 25 years).		
DM/2019/00413	Retrospective planning application for existing garden play equipment.	Pending Determination	
DM/2019/00954	Non-material amendment to use Aluminium windows to two elevations on conservatory.	Invalid Application	
DC/2016/01114	Amendments and alterations to supersede permission DC/2011/00809	Approved	31.01.2017
DC/2011/00809	Proposed alterations and extensions.	Approved	28.11.2012
DC/2015/00314	Discharge of conditions 10 (landscaping, enclosures and surface finishes), 16 (slate sample), 17 (paving for the patio) & 18 (section details of the windows and doors) of planning permission DC/2011/00808.	Approved	15.05.2015
DC/2011/00808	Proposed extension and change of use to existing store building to form tea rooms.	Approved	07.11.2012

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S5 LDP Community and Recreation Facilities  
S8 LDP Enterprise and Economy  
S11 LDP Visitor Economy  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### Development Management Policies

MV1 LDP Proposed Developments and Highway Considerations  
HE1 LDP Development in Conservation Areas  
HE4 LDP Roman Town of Caerwent  
CRF1 LDP Retention of Existing Community Facilities  
CRF3 LDP Safeguarding Existing Recreational Facilities and Public Open Space  
EP1 LDP Amenity and Environmental Protection  
DES1 LDP General Design Considerations  
HE4 LDP Roman Town of Caerwent

## 4.0 NATIONAL PLANNING POLICY

### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Caerwent Community Council**- Application supported.

**Cadw** - We are concerned that the fibre glass play equipment is not in keeping with the Caerwent Roman City Scheduled Monument or its setting. However, we are mindful that the equipment will eventually require renewal or upgrading and are therefore content to wait until then in order to remedy the situation through the requirements for scheduled monument consent from Cadw

**Glamorgan Gwent Archaeological Trust** - as the area is within the garden of the Inn and photographs show the areas as grassed it is highly likely that it is within the Scheduled Monument of Caerwent Roman City Cade Reference MM001. Cadw must be consulted for their opinion regarding this application.

### 5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. To date 626 representations have been received. Although 19 objections have been registered via the website (when using the drop down selection options) on closer inspection of the additional comments provided, the commentator is supportive of the application and objects to the removal of the equipment.

On the basis of the above, the application has been the subject of 7 full objections.

### Objections

Noise nuisance  
General dislike of proposal  
Increase of pollution  
Development too high  
Out of keeping with character of area  
Over development  
Close to adjoining properties  
Increase in traffic.  
Affect local ecology

Whilst pleased that a local business is thriving, greater consideration needs to be given to neighbours.

Our grazing land directly adjoins this garden. I am already busy picking up rubbish including beer glasses that end up in the field where our stock graze.

Intrusive noise from the play area has increased in recent years as the amount of play equipment has increased and can be significant on nicer days, to the detriment of residential amenity.

The extensive children's play area is not in keeping with the aims of the Well-being of Future Generations Act (Wales) 2015, namely The Well-being Goals, specifically A Healthier Wales. Providing an extensive children's playground where the culture is of adults drinking alcohol, also with the provision of soft drinks and sweets etc., for children, is unhealthy.

Children's play equipment suitable for both younger and older children is already provided in the village on the playing field adjacent to the village hall. There are also picnic tables for adults to use to when supervising. This area has been improved recently and is a lovely area promoting recreation and exercise (in keeping with the Well-being of Future Generation Act).

The hours of opening on the application are 7am to 11pm. The children's play area would therefore, at times, need lighting in order for the children to play safely and be supervised. This causes light pollution.

Litter regularly crosses through the existing fence and litters the ancient scheduled monument.

The visual impact of the play equipment is also not in keeping with the aesthetic of the Roman wall being an Ancient monument.

The existing facilities for children already far exceed what is appropriate and/or necessary.

Health and safety risk.

### Support

The coach and horses is a well-run pub by friendly people; the play area brings extra revenue to the pub thus keeping it running.

The pub garden is a safe environment for children to play outside whilst their parents socialise.

The play area has been part of the Coach and Horses for many years. As well as Caerwent being a Roman village, people too, come to the pub. This must be saved for the tourists and community.

The pub is known for its play area and helps boost tourism and economy for other local attractions such as the Dewstow gardens / Caldicot Castle/ Chepstow. To force the removal of the play area would be a huge loss to a great asset Caerwent has to offer.

It has caused no detrimental effect to the surrounding area and indeed enhances the viability of this local and long established business.

Loss of this equipment would have a detrimental impact on the pub and on the village. This is the only village pub and is important to the local community.

Not many pubs in local area with a decent children's area.

Caerwent is a very small village, and the pub is essential to ensure the continued income - of both visitors, and money.

The play equipment is a huge draw to the pub. It brings in a lot of business which also means jobs for the locals

The pub has historically been the heart of Caerwent's community, with a children's play area having been provided for many years. Families from far afield come to visit as they are drawn to the friendly atmosphere of the pub, the restaurant and the safe play area for children. People

visiting the local Roman remains also visit the Inn after they have looked around. Opposing the application will only be to detriment of this thriving local business.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### Principle of Development

6.1.1 The application seeks full planning permission for the installation of children play equipment in the beer garden of an existing Inn, since the year 2014. The site is within a highly sensitive location, being positioned within and on the eastern edge of the Caerwent Roman City Scheduled Monument.

6.1.2 Policy S5 of the LDP specifies that proposals that provide or enhance community and recreations facilities will be permitted within and adjoining town and village development boundaries

6.1.3 Policy S8 identifies that development proposals that seek to deliver sustainable growth will be permitted where they enhance the continued development of key economic sectors including tourism. However, protection of the natural and built environment are key considerations.

6.1.4 Policy S11 confirms that development proposes that provide and/ or enhance sustainable forms of tourism will be permitted. However the policy also outlines that development proposals that have an unacceptable adverse impact on features and areas of tourism interest and there settings will not be permitted.

The host property comprises an active village inn business located within the community of Caerwent. There are no other public houses in the village. It is noted that the children's play equipment is ancillary, incidental to the main premises and it looks to enhance the business's appeal to a wider range of customers, thereby making the business more viable and resilient. The principle of development is considered acceptable and compliant with the policies indicated above.

#### Good Design/ Place making

6.1.6 It is acknowledged that the site has accommodated children's play equipment for a considerable period of time. However, since 2015 the amount of equipment on site has increased significantly with the necessary need for such a number of pieces of equipment being brought into question by an objector.

6.1.7 Being mindful of the historical and archaeological sensitivity of the site as a result of its positioning within the Conservation Area and more specifically within the Roman town immediately adjacent to the Roman Walls, the visual impact arising as a result of the size, scale and number of pieces of equipment now installed does raise significant concerns.

6.1.8 With the exception of the timber-climbing frame most recently installed, the remaining equipment the subject of the application is made from moulded fibreglass and is therefore unlikely to fade to any significant degree or naturally assimilate with the landscape. As a result of the equipment's height, scale and the lack of natural screening, all the pieces are visible from the public right of way that runs along the top of the historic walls and are partially visible above the Roman walls when viewed from the public highway to the east.

6.1.9 Despite concerns that the items of equipment made up of fibre glass are not in keeping with the character and appearance of the Scheduled Monument, as part of their consultation response, Cadw have advised that they raise no objection at this time, on the basis that the equipment will eventually require renewal or upgrading and could therefore be amended and regulated through the requirements of scheduled monument consent at a later date.



6.1.10 Although the pieces are visible from the public realm closest to the site, and as a result of the external materials (notably the fibreglass) could be considered visually intrusive and out of keeping with the historic context, the items are contained within the defined boundary of the beer garden and as a result are viewed and read in relation to the inn and garden. Being mindful of the lack of objection from Cadw in this instance, the containment of the pieces within the defined garden, the lack of foundations associated with the principal pieces of equipment which make the structures more transient, and the beneficial impact the business as a whole has for visitors to the Roman walls and vice versa, on balance it is considered that the impact generated is not so detrimental to the overall character and appearance of the area to warrant refusal of the application. The application is therefore considered compliant with the requirements of policies S11, S13, S17, DES1 and EP1 of the LDP.

#### Impact on Amenity/ Promoting Healthier Places

6.1.11 Following public consultation, a number of concerns have been raised with regards to the noise generated by use of the equipment.

6.1.12 It is noted that the closest residential properties are Maybury, 17.5m to the east and The Haven approximately 50m to the west. Use of the equipment will inevitably generate some level of noise disruption and disturbance, which in this instance could be exacerbated by the height and number of pieces available.

6.1.13 The Roman walls to the east of the equipment appear to act as a form of noise abatement of the garden area. Although greater in distance, the space between the site and the properties to the west is far more open, as it is used as a car park, and could therefore allow for greater noise disruption being experienced. During discussions, the applicant has confirmed that they are trying to encourage the hedge along the western edge of part of the garden to mature and establish. Although only installed on part of the garden boundary this should provide some additional screening. In line with the allowances of Schedule 2, Part 2 Class A of The Town and Country Planning (General Permitted Development) Order 1995, there is potential for the applicant to provide an enhanced 2m high wall or fence along the western most boundary of the carpark to provide enhanced screening. This could be secured by condition. A heightened boundary along the western edge of the garden is not preferable in this instance as it would limit natural surveillance of the car park and would be visible from the public highway to the north of the site to the detriment of visual amenity.

6.1.14 Being mindful that all the equipment is positioned outside, the use of the area would be limited by the weather and would therefore be intermittent in nature. Given the commercial nature of the site and the considerable period of time that play facilities have been available, an ambient level of disruption is to be expected. However, it is appreciated that the level of noise generated during maximum use in the peak season i.e. summer holidays and at weekends could be disruptive. The key consideration is whether the increased noise generated as a result of the increased equipment on site is so significant and detrimental to amenity to warrant refusal of the application.

6.1.15 The Inn currently serves food from 12:00-15:00 and 18:00-21:00 With the exception of functions and weddings, in the majority of instances, parents are only likely to bring their children to the property if they are ordering food. As a result, outside of the hours above, it is considered likely that use of the equipment and noise generated would be minimised and that periods of excessive noise generation would not be so frequent, intense or prolonged to justify refusing the application on such grounds. In order to minimise opportunities for the use of the equipment beyond 21:00 hours when neighbours could reasonably expect a reduced level of noise, a condition preventing the space from being externally illuminated could be imposed on any grant of consent. Subject to the above and the imposition of conditions, the application is considered compliant with the requirements of Policy EP1 of the LDP.

## **6.2 Active and Social Places**

### Access / Highway Safety

6.2.1 Due to the inn's location, customers accessing the site are most likely to do so via car. An extensive car park to the west of the property provides sufficient off street parking and turning facilities for all visitors. Although visibility leading from the car park is limited this is an existing arrangement with no potential to make any alterations as part of the current application. Being mindful of the ancillary nature of the play equipment relative to the business, it is considered highly unlikely that the play equipment alone would generate an increased number of vehicle movements detrimental to the highway safety and free flow of traffic in the area. The application is therefore compliant with the requirements of policies S16 and MV1 of the LDP.

### Community Facilities

6.2.2 For the purposes of the LDP policies, public houses are included within the definition of a community facility as they provide facilities used by residents for leisure and social purposes. The loss of community facilities is resisted by policies S5, CRF1 and CRF3 of the LDP with development proposals that provide and/or enhance community and recreation facilities supported within or adjoining town and village development boundaries subject to detailed planning considerations.

6.2.3 Most community facilities need the support of the local population to ensure their continued viability and existence. A number of the respondents in support of the application have identified that the equipment is required to diversify and enhance the business's customer base and if the play equipment is removed, they are unlikely to visit the premise. The loss of custom would obviously have a detrimental impact on the vitality and viability of the inn which in turn could have a detrimental impact on job availability in the area and the opportunities for community interaction and cohesion.

6.2.4 On the basis of the above the application is considered compliant with the requirements of policies S5, CRF1 and CRF3 of the LDP

### Recreational Spaces

6.2.5 As part of the public consultation process an objector has identified that the village benefits from a well-equipped play area adjacent to the village hall. Being mindful that the equipment the subject of this application is for purposes ancillary and incidental to the inn, it is considered that its retention would not have a detrimental impact on the vitality and long term retention of the public play space.

6.2.6 One of the objectors raises concerns that the provision of a play area in an environment where adults drink alcohol and where children may have access to soft drinks and sweets is contrary to the aims of the Well-being of Future Generations Act (Wales) 2015. Whilst this statement is acknowledged it is for the parents to decide if they feel it is appropriate for the child to attend the premises and what they should consume. It is considered that the retention of the facilities provide an opportunity for outdoor play, interaction and socialisation of both adults and children which in turn can have a positive impact on both physical and mental health and well-being, in compliance with the above Act.

## **6.3 Productive and Enterprising Places**

### Economic Development, tourism and the rural economy

6.3.1 Policies S8 and S11 of the LDP seek to support development proposals deliver the Council's vision for sustainable economic growth and tourism.

6.3.2 In this instance it is considered that the play facilities allow the business to broaden their customer base by providing facilities that appeal to families with children. The retention of the facility would bolster the viability of the premise to the benefit of economic development, the retention and provision of tourism facilities and the wider rural economy through the provision of

jobs, retention of trade and business opportunities. The application is therefore considered compliant with the requirements of policies S8 and S11 of the LDP.

## **6.4 Distinctive & Natural Places**

### Historic Environment

6.4.1 As specified above, the application site is located with the Caerwent Conservation Area and the Caerwent Roman City Scheduled Ancient Monument. The eastern external walls of the city are positioned approximately 3m to the east of the defined garden area.

6.4.2 Policy HE1 of the LDP seeks to protect and enhance the character appearance, special qualities and distinctive character of each allocated Conservation Area and provides detailed criteria for assessing development proposals in such locations.

6.4.3 Policy HE4 seeks to prevent new development within or adjoining the walls and ditches of the Roman Town of Caerwent, in order to ensure that the remains of the Town are left undisturbed and that its special character and openness is preserved.

6.4.4 The remains of the Roman town of Caerwent are acknowledged to be of European significance and to constitute one of the most important archaeological sites in Wales. As identified above, the visual impact arising as a result of the size, scale and number of pieces of equipment now installed on site in conjunction with the external materials and its failure to assimilate with its setting and the wider landscape does raise significant concerns.

6.4.5 However, as also specified above, following consultation Cadw have raised no objection to the works on the basis that the equipment will require replacing which will then be regulated and controlled by Scheduled Ancient Monument Consent. Although the proliferation of equipment on site, in conjunction with the external materials is considered to have a detrimental impact on the visual amenity of the setting, as the majority of the equipment does not have any form of footing or foundation (with the exception of the newest timber climbing frame, which has been granted Scheduled Monument Consent with all excavations monitored) the apparatus could be removed from site and the impact would be reversed without any long term impact on the setting or historical significance of the site. Therefore, whilst concerns regarding the impact on the character and appearance remain, the impact is considered to be reversible and on balance the proposal is compliant with the requirements of policies S17, HE1 and HE4 of the LDP.

## **6.5 Response to the Representations of Third Parties and/or Community/Town Council**

6.5.1 Following consultation the Community Council have recommended approval of the application.

6.5.2 The following comments are provided in response to the public objections raised:

6.5.3 Noise and lighting - it is acknowledged that the increased amount of equipment on site will have generated an increased level of noise and disturbance to those living closest to the site relative to that previously experienced. However, given that the majority of the children visiting the facility are likely to be having a meal with their family, rather than visiting just to use the play facilities, it is considered likely that noise generated would be minimised to certain times of the day and that periods of excessive noise generation would not be so frequent, intense or prolonged to justify refusing the application on such grounds. However, it is considered necessary to impose a condition preventing the apparatus from being illuminated to reduce opportunities for use at a time of night when residents could reasonably expect less noise disruption.

6.5.4 Well-Being of Future Generations - Whilst concerns have been raised with regards to the provision of children's play equipment in an area where adults drink alcohol, contrary to the vision of the Well-Being of Future Generations (Wales) Act 2015, it must also be acknowledged that the facilities provide opportunities for outdoor play, socialisation and interaction to the benefit of physical and mental health.

6.5.5 Existing provision - Although there are extensive play facilities within the village, the provision of such ancillary apparatus for use by customers is not uncommon in such circumstances and would not have a detrimental impact on the vitality and long term retention of the public play space.

6.5.6 Visual Impact - The amount and visual impact of the apparatus on the Conservation Area and Scheduled Monument does raise concerns. However, the current installations are largely reversible; the applicant is now aware that such works require consent and future installations would also be regulated and controlled by the need to seek Scheduled Ancient Monument Consent. The impact is considered transitory in nature and not so detrimental to the long-term character and appearance of the area to warrant refusal of the application.

6.5.7 The appropriate use of the equipment by customers and therefore the associated health and safety requirements is a matter outside of and beyond planning control. It is for the applicant to ensure that they have appropriate public liability insurance that covers use of the facilities.

6.5.8 Although litter arising as a result of the use of the garden and facilities is disheartening it is the landowner's responsibility to ensure that sufficient facilities are made available for the safe and appropriate disposal of waste generated. The level of litter generated and its impact on the area is not a sufficient reason to refuse the application.

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

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

## **6.7 Conclusion**

6.7.1 Based on the above report it is considered that the retention of the play equipment would not have a significantly detrimental impact on the long-term character or appearance of the application site, wider Conservation Area or Scheduled Monument.

6.7.2 Whilst the increased equipment on site has generated increased noise and disturbance, it is considered that this is limited to certain times of the day, during spells of good weather and that periods of excessive noise generation would not be so frequent, intense or prolonged to justify refusing the application on its detrimental impact on the residential amenity of those living closest to the site.

6.7.3 It is considered that the retention of the facilities on site would not have a detrimental impact on the highway safety and free flow of traffic, nor the vitality or long term retention of other public play facilities and would have a positive impact on the viability of the business and in turn its community facility status. Its retention would have a positive effect on economic development, tourism and the economy of the wider area.

6.7.4 On the basis of the above, the application is considered compliant with the requirements of the Local Development Plan and is recommended for approval subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

2 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached to or be positioned in the curtilage so as to illuminate the children's play equipment.

REASON: To limit opportunities for use after dark in the interests of the residential amenity of those living closest to the site to compliance with LDP Policy EP1.

3 Within two months of the date of this consent, details of a 2 metre high means of enclosure to be erected along the full length of the western boundary of the car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be fully implemented within six months of the date of this consent and retained in perpetuity.

REASON: In the interests of the residential amenity of those living closest to the site and in compliance with the requirements of LDP policy EP1.

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**Application Number:** DM/2019/00548

**Proposal:** Extension to existing agricultural building. Change of use to equestrian centre for maximum of 16 horses with external manege.

**Address:** Latimer Farm, Earlswood Road, Earlswood

**Applicant:** Mr. Raymond Williams

**Plans:** All Drawings/Plans Proposed Site Layout - , All Drawings/Plans Existing Site Layout - , All Drawings/Plans Elevations - , All Drawings/Plans Floor Plan - , Location Plan Site Location Plan - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Young  
Date Valid: 17.04.2019

**This application is presented to Planning Committee at the request of the Local Member**

### **1.0 APPLICATION DETAILS**

1.1 Planning permission was granted in 2015 for a new agricultural building on this site to replace a storage building that had blown down. At that time the 12 acre site supported livestock in the form of suckler cows. The building was erected larger than the approved plans and this current application seeks to regularise the development. The building measures 22.72m x 15.45m; this is 4.84m wider than the approved scheme. There is no longer livestock on the farm and the building is being used to stable horses, some belonging to the owner and some livery for other owners. The stables can accommodate 16 horses and includes an internal tack room. The application also seeks permission for an external riding manege measuring 60m x 20m. A leylandii hedge will be removed from the site and a new hedge of indigenous species planted along the north-eastern side of the manege to screen it from the road. Surface water drainage from the building and the manege would go to a soakaway. The plans show the proposed location of the manure heap to the eastern side of the stable building.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2010/00343	New agricultural livestock and storage building (revision of M/6268)	Approved	28.07.2010

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S10 LDP Rural Enterprise  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### Development Management Policies

RE3 LDP Agricultural Diversification  
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
NE1 LDP Nature Conservation and Development

### 4.0 NATIONAL PLANNING POLICY

#### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Shirenewton Community Council** - pencilled drawings on the Mon CC planning portal, noted 'Not to Scale' are not professional enough.

Latimer Farm sits on land between the Earlswood Road and the ridge road to the Gaerllwyd crossroads. Planning consent was granted in 2015 for the erection of an agricultural building used for storage of agricultural machinery, hay and straw subject to the condition that where the agricultural use of the building ceases within 10 years and planning permission has not been granted for an alternative use, the building shall be removed. It was to be 22.72m (long) x 10.6m (wide), and 3.65m height to eaves and 4.96 high to ridge, constructed with a steel frame having concrete blockwork to 2.43 m height and timber Yorkshire boarding up to the eaves height. The roof was to be box profile sheeting in Juniper Green and interspersed clear Perspex roof lights, and double door width openings to both the west and east. The original building was partly destroyed by storm damage earlier in 2015 meaning there was no agricultural building of this nature on site and was therefore considered acceptable. The existing building is to be converted internally with the installation of 12 stable bays, and extended on the longer dimension by a further



5m which will add another 5 bays (17 bays, not 16 as requested on the application) plus a tack room. Therefore the existing agricultural use of the building will cease, with implications for the need for a future agricultural building. The application is phased to include change of use to equestrian centre. No information is provided on the proposed business nor the extent of the site to which it would apply - the site drawing includes the whole of Latimer Farm which therefore has the potential to become a commercial equestrian enterprise. Whilst MCC Highways has not raised objection, Councillors were concerned at the limited existing access were a substantial business to emerge. It was noted that horses are already stationed on site as they are pegged out in squares with electric fencing in the field in front of the building. It is unclear from the application whether sufficient grazing land has been set aside for the number of horses proposed.

The proposed location of the manure heap lies close to two soakaways and the application does not address the onward dispersal of the manure nor its potential to contaminate watercourses. Councillors were aware of the planning history of a nearby racing stable, and of the growing trend for farmland to be converted to equestrian activities both private and commercial. Inevitably this trend if it continues will change the local landscape.

Council's recommendation was for refusal of the current application pending clarification of the following points, when members would be prepared to reconsider:

- What the business case is to support the application;
- How the manure heap is to be managed so as to prevent accumulation of material and contamination of the water courses;
- The extent of the site to which the change of use is intended to apply;
- Whether the land set aside for keeping the proposed number of horses is approved as sufficient by Mon CC's animal welfare officer
- Where it is proposed to store hay and machinery, as this is the present purpose of the existing building.
- Whether the Right of Way that passes through the property is affected.

#### **MCC Highways - No objection**

Vehicular access to and from the development will remain as the current arrangement, off the existing internal driveway.

**Natural Resources Wales** - as long as a field heap is: over 10m from a watercourse; 50m from a well, borehole or spring; being spread on own land; and CoGAP is followed as example of best practice (field heap should be moved every 12 months). If being stored on an impermeable surface; all leachate should be captured (impermeable drainage) and spread to land; and not a public health nuisance, NRW would not object to the location of the proposed location. There does not appear to be any legislation stating the heap cannot be near a surface water soakaway.

#### 5.2 Neighbour Notification

None Received

#### 5.4 Local Member Representations

Councillor Louise Brown

An examination of the details on the website shows that the details of this application are unclear with pencil drawings, not to scale.

In view of this being a change of use for a new equestrian enterprise, the only way to obtain the required information on the business case for this change of use and further details on this application, is to request the referral of this application to the planning committee where it can be considered more fully.

#### **6.0 EVALUATION**

## 6.1 Strategic & Spatial Choices

### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

Policy S10 of the adopted LDP supports rural enterprise it states that developments that enable the diversification of the rural economy will be permitted outside settlement boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptably harm to the landscape. It suggested that where possible existing buildings should be re used. In this case the proposed business will assist the rural economy by providing an income for the applicant and a use for the land which would otherwise be vacant. An equestrian use is appropriate and also common in rural areas. There are many examples of similar enterprises throughout the County. The proposal would have very little visual impact on the landscape, the building is existing and the land was previously grazed by cattle rather than by horses. The manege will have an impact on the landscape but this is an activity that is common in the countryside. The manege will be set at a lower level than the road and a hedge of indigenous species will be planted between the manege and the road. The principle of an equestrian centre in this location is acceptable in policy terms.

The principle of agricultural diversification is supported by Policy RE3 of the adopted Local Development Plan (LDP). In addition Monmouthshire is becoming renowned for its equine enterprise and the Council is supportive of suitable businesses in the open countryside. Policy RE3 states that development proposals which make a positive contribution to agriculture or its diversification will be permitted subject to the following criteria:

- a) the proposed non-agricultural development is run in conjunction with, and is complementary to, the agricultural activities of the enterprise;
- b) the proposal is supported by an appropriate business case which demonstrates the link to existing business activity and the benefits of the scheme in terms of sustaining employment / the rural economy;
- c) in relation to new build, the applicant must demonstrate that there are no existing buildings suitable for conversion / re-use in preference to new build;
- d) with regard to diversification proposals for visitor accommodation, new build will only be permitted where it consists of the substantial rebuild of a building within the curtilage of an existing and occupied farm property, as specified in Policy T2;
- e) where rebuild is permitted under criteria c) and d) any rebuilding work should respect or be in sympathy with the local and traditional characteristics of the building;
- f) proposals for new built development meet the detailed criteria set out in Policy LC1;

In this case, the farming enterprise is being replaced by the equine activity as the applicant could not sustain a living from agriculture on the 12 acres that he owned. The land would be grazed by the applicant's own horses; by providing livery stables the applicant is deriving some income which will benefit the local economy. The proposal does not involve any additional new buildings but rather reuses an existing agricultural building. The stable block is close enough to the residential dwelling on Latimer Farm so there is sufficient surveillance of the stables from the house; no additional accommodation would be required with the enterprise. Whilst strictly not agricultural diversification because the equine enterprise would not be supporting an existing agricultural business, it would be diversifying the rural economy in a broader way that is acceptable in planning terms. The applicant has not put forward a formal business plan but has outlined the roles of the 'DIY livery' at Latimer Farm. There are several horses already stabled and there would be a maximum capacity for 16 horses at the site. Section 5.6 of PPW 10 also supports the development of enterprises to support the rural economy: "A strong Rural Economy is essential to support sustainable vibrant communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas ". The principle of an equine use in this location is acceptable in policy terms.

### 6.1.2 Good Design/ Place making

The agricultural building measuring 22.72m x 10.6m already has the benefit of planning permission (DC/2015/00990). It is 4.96 m high to the ridge, constructed with a steel frame with concrete blockwork and profiled sheeting, juniper green in colour. The extension runs the whole

length of the building and adds an additional 4.8m to the width. The extension is on the south-west elevation, which is the far side away from the road. The design of the extension is acceptable and is not visually prominent in the wider landscape. The finishing materials match those of the approved building. There is no difference in visual terms if the building is used to house agricultural machinery or if it is used to stable horses. The design of the building is appropriate for its use and is in keeping with the rural character of the area. The proposal therefore accords with the objectives of Policy DES1 of the LDP. PPW 10 in Section 3 refers to good design being inclusive design; the stable block could be accessed by people with disabilities issues as well as young children and the elderly. The design of the building does not impede access to these groups. The design of the building does respect the rural character of this area, its design is such that it has a good relationship with its surroundings, it is a rural enterprise building in an appropriate rural setting. The layout, form, scale and visual appearance of the building relates well to the surrounding landscape and therefore accords with the objectives of good design set out in PPW10.

The riding manege which would measure 60m x 20m would be surfaced in a mix of sand and fibre which is standard surface for this type of equine facility. There are many examples of these throughout the County. Around the manege would be a low post and rail fence which is appropriate in this rural setting. A hedge of indigenous, deciduous trees including Birch, Ash, Beech and Rowan would be planted between the road and the manege. This new hedge would not only help to visually screen the manege when viewed from the road, it would also replace a leylandii hedge which looks out of place in this rural setting. A riding manege is in keeping with the character of this rural landscape and the development would be in accordance with Policy LC5 of the LDP.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

There are several residential properties surrounding Latimer Farm. The closest, Trem Hafren, is approximately 140 metres from the manege and is set at a higher level on the opposite side of the road. There are mature hedgerows on either side of the road that will help to screen the equine activity both visually and in terms of noise. Ridge House, which is approximately 220m from the site, has a large stable complex in its grounds. Mount Pleasant is approximately 200m to the west of the site, is set at a lower level and there are two fields between the stable block at Latimer Farm and Mount Pleasant. It is proposed to locate a manure heap on a concrete base at the rear of the stable building. This would be its permanent location and this would be well over 100m from the nearest residential property. It is the applicant's responsibility to ensure that this is managed in accordance with pollution regulations. The Council's Environmental Health Officer has provided guidance on the best practice that is to be followed. Natural Resources Wales have outlined that if the manure is being stored on an impermeable surface all leachate should be captured (impermeable drainage) and spread to land. NRW would not object to the location of the proposed manure heap. NRW outlined that there does not appear to be any legislation stating the heap cannot be near a surface water soakaway. If best practice guidelines are followed in relation to the manure pile the proposed use as an equestrian centre will not result in unacceptable harm to local amenity or health and therefore it accords with the objectives of Policy EP1 of the LDP. The manure resulting from the horses stabled on site will be no greater than from the cattle that were previously kept on the site.

## **6.2 Active and Social Places**

### 6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

The site is not in a very sustainable location, but by their nature, livery stables such as these have to be located within the countryside. The site is not accessible by public transport; the horse owners, of whom there could be up to sixteen, have to visit the site by car. They generally visit each day but some car sharing could be possible. If the livery stables were not located here, then horse owners may have to travel further to find a similar facility. There is a large area designated at the front of the stable building to be used for car parking. There is plenty of room within the site to accommodate the cars even if all the owners visited the stables at the same time. MCC Highways have no objection to the proposal. No alterations are required to the access into the site. The amount of traffic generated as a result of this proposal will not be great with the maximum number of movements being about 32 trips per day; the surrounding road network can accommodate this increase. When the site was used as a farm **Page 77** there would have been traffic generated by this use and therefore the impact on the highway network is considered to be acceptable and would be in accordance with the requirements of Policy MV1 of the LDP.

## **6.3 Productive and Enterprising Places**

### **6.3.1 Economic Development**

The site is now being used as a DIY livery stable. This is being run as a business which contributes to the local rural economy. The site is managed by the applicant but the business does not generate much employment, given that the horse owners are responsible for the day to day care of the horses. The proposal does have some minor economic benefit to the local economy. It is thought that the horse owners are local people who do not have space to keep horses on their own land so the equestrian centre does not pull in visitors from outside the area. It does however mean that these local people do not have to travel outside the area to use such a facility.

## **6.4 Distinctive & Natural Places**

### **6.4.1 Landscape/ Visual Impact**

The stable building already has approval but the application seeks permission to increase the width of the building by 4.8m. This will have very little impact on the wider landscape. The whole site is partly screened by mature trees and the current screening will be enhanced by the planting of a new hedgerow within the site. PPW 10 underlines the importance of protecting and enhancing a rich and varied landscape but at the same time understanding the social and economic benefits they can provide. This site is not in a designated landscape but it is important to protect the rural landscape. The proposal for an equestrian centre is in keeping with the rural character of the area and reflects the rural landscape. The main effect of this proposal upon the landscape results from the provision of a riding manege. Policy LC5 of the LDP does allow for development provided that it does not have an adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspect. The proposal does not cause significant visual intrusion and it does not change the landscape character of the area. The proposed manege is sensitively sited within the landscape and it will not be visually prominent, being a use appropriate for its rural setting. The use is compatible with its location and harmonises with the landscape. The proposal therefore accords with the objectives of Policy LC5 of the LDP.

### **6.4.2 Biodiversity**

The stable building is already erected and has planning permission. As a result of the equestrian use, one additional light will be placed at the entrance of the building as security for the horses. This will be controlled by motion sensor. An additional security light will not have a significant impact on biodiversity in the area. There will be no floodlighting of the riding manege. The planting of a hedge of indigenous species and removing the leylandii hedge will also have benefits for biodiversity. The fact that horses now graze the land rather than cattle will have little impact on the ecology of the area.

### **6.4.3 Water (including foul drainage / SuDS), Air, Soundscape & Light**

The surface water from the building and the manege will go to soakaway, the position of these has been identified on the layout plan. As the building was erected in 2015 it is not subject to the Sustainable Drainage Regulations. The manege may require SAB approval and the applicant is currently discussing this with the SuDS Team of the Council. NRW have outlined they have no objection to the location of the manure and there is no legislation stating the heap cannot be near a surface water soakaway. The parking area is made of chippings which are porous.

## **6.5 Response to the Representations of Third Parties and/or Community/Town Council**

6.5.1 The Local Member is concerned over the accuracy of the plans. This has since been rectified by the submission of an accurate drawing. In addition, the building is already erected so its size is clear. No business case has been put forward but this is not required in this instance. The enterprise is up and running and there is no requirement for a rural enterprise dwelling on this site as Latimer Farm is so close to the stables. The introduction of this rural enterprise benefits the rural economy and would be in accordance with strategic policies within the LDP to support the rural economy.

6.5.2 The Community Council were concerned that there are 17 bays shown on the plan but the use is for 16 horses. This is because one of the bays is being used for the storage of hay. There is no reason to expect that the applicant will apply for an additional agricultural building on this site given that the applicant has ceased his agricultural enterprise. There is no longer cattle on the site. The application relates to all 12 acres at Latimer Farm. The horses will be grazed where the cattle used to graze. If an application for additional stabling was to be submitted in the future this would have to be determined on its merits at that time. There is a public right of way running to the north of the farmhouse that will not be affected by this proposal. MCC Environmental Health Officers have considered the location of the manure heap with regards to the advice from DEFRA in the Code for Good Animal Practice for farmers, growers and Land Managers and NRW have also outlined that they have no objection to the proposed siting of the manure.

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

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

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions :**

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

2 Access by the users of the livery stables shall only be allowed between the hours of 06:00 and 21:00 on any day.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

3. Manure associated with the development, hereby approved, is only to be stored in the position shown on Drg. No BP2693/00 (July 2019) and in no other location.

REASON: To ensure that there is no harm to the environment or any party's amenity in accordance with Policy EP1 of the LDP

4. The manege, hereby approved, shall not be illuminated without the prior approval of the Local Planning Authority.

REASON: To protect nature conservation interests in accordance with Policy NE1 of the LDP.

4. All planting, of the new hedge and trees, shown on the approved plan shall be carried out within 6 months of this approval and any trees or plants which within a period of 5 year from this approval die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

**Application Number:** DM/2019/00564

**Proposal:** The erection of a new two storey detached dwelling, with associated parking and landscaping on land adjacent to Treff Garne.

**Address:** Treff Garne, Chapel Lane, Pwllmeyric, Chepstow

**Applicant:** Mr & Mrs Howells

**Plans:** Site Layout 101 - , Location Plan 200 G - , Street Scene 201 E - , Floor Plans - Proposed 202 E - , Block Plan 100 A - ,

## **RECOMMENDATION: Approved Subject To S106**

Case Officer: Ms Kate Young

Date Valid: 13.04.2019

**This application is presented to Planning Committee at the request of the local member and because of the number of objections received**

### **1.0 APPLICATION DETAILS**

1.1 Treff Garne is a dormer bungalow which was approved as a replacement dwelling in 2015. It is set in the centre of the plot with a detached garage to the rear. The current application seeks the erection of a dormer bungalow in the front garden. The front garden is elevated above the height of the road. The existing vehicular access from Chapel Lane would be widened to provide a shared access for both dwellings. The new dwelling would have an attached single garage as well as two additional parking spaces. The parking provision for the existing property would not be compromised. The existing hedge along the front boundary of the plot would be retained. There are some domestic trees in the front garden that would be felled as a result of the development.

1.2 The site is located within the Pwllmeyric Development Boundary, the land to the east of Chapel Lane is allocated in the Mathern Conservation Area and as part of the Wyelands Estate Historic Park and Garden. The land to the east of the road is also designated as a Minerals Safeguarding Area.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2015/00496	Reduce the size of extension. Add Velux windows to the north side. Gable end wall to west. Add window to both gable ends (west & east). Reference number: DC/2014/01388.	Application Withdrawn	
DC/2014/01388	Extension and renovation to a 3 bed bungalow, providing more accommodation and upgrading the property to be more energy efficient and environmentally friendly.	Approved	26.02.2015

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

H2 LDP Residential Development in Main Villages  
SD2 LDP Sustainable Construction and Energy Efficiency  
SD4 LDP Sustainable Drainage  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
M2 LDP Minerals Safeguarding Areas  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

#### **Mathern Community Council - Objects**

The Community Council has fully considered this application and recommend 'Refusal'. The Council support the views submitted by local residents.

More specifically,

1. The proposal represents an over-development of the site and is completely out of context with the area.
2. The proposed building impacts significantly on the amenity of neighbouring properties with overlooking windows and towering skyline. The impact on neighbouring properties has not been considered in the design.



3. The existing buildings along Chapel Lane follow a common development line which is breached by the proposed building, significantly impacting the aesthetics of the area.
4. Increased traffic generation along Chapel Lane and exiting onto Pwllmeyric Hill is not desirable.

### **MCC Highways** - No objection

The existing internal driveway arrangement will be modified to provide a vehicular access and hardstanding area for the development proposal, this is of sufficient size  
To cater for the parking of 3 vehicles and its layout will allow vehicles to turn within the site and to exit onto the public highway in a forward gear.

**MCC Housing** - A commuted sum of £30,650 will be required for this development to support the provision of affordable housing in the locality.

**MCC SuDS/Flood Risk Management** - The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work.

**MCC Ecology** - I am satisfied that the building does not require any further assessment, I note that the existing mature hedgerow is to be retained this is welcomed, the small trees to be lost should be compensated for as part of the scheme. The glazing on the south elevation is of concern due to the light spill this will have on the adjacent rural environment, particularly the glazing at high level. We would request that measures to reduce light spill on this elevation are considered. In terms of any external lighting we would expect this to be low level and avoid illuminating surrounding semi natural habitats.

### 5.2 Neighbour Notification

Letters of objection from six addresses

Inadequate access

Inadequate parking provision

Increase in traffic

Increased pollution

More open space needed on development

Noise nuisance

Out of keeping with character of area

Over development

Very close to the road which is a very narrow lane opposite a rural conservation area. All other properties on this lane are set back off the road.

Increase in construction vehicles which would completely block the lane thus not allowing right of way to residents.

Where would materials be stored and contractors park?

There is definitely little confidence that the plans will be adhered to and residents' views will be ignored as previously.

This property would overlook the gardens of approx. 3 houses in Orchid Meadow invading their privacy and creating noise nuisance, however, I notice the planned house is not planned to look over the garden of Treff Garne

The people in Orchid Meadow will not be able to sit in their own gardens without being overlooked  
Chapel Lane cannot withstand another property and more vehicles

This property will not enhance the area and is of no advantage to the area other than to make the current owner of Treff Garne money.

We seek assurance that it is for the Development Management Team to determine the validity of supporting evidence, not the applicant.

Significant negative impact on quality of life

Overlooking and loss of privacy

High elevation of proposed dwelling

Increased noise and disturbance from an additional dwelling

Proposed footprint is very small

Proposal will be very close to the highway

Impact on open aspect of the neighbourhood  
Adverse impact on the conservation area  
Will obstruct emergency vehicles  
Set a precedent for future development  
Brings the established building line forward  
Narrowing of the highway will impede large vehicles  
Previous approval on the site sets an unjustified precedent, it was retrospective with significant changes to original drawings  
On-call firefighters use the lane  
The existing property impacts on privacy  
Contrary to Policy DES1 of the LDP  
Does not respect the form, scale, siting, massing or materials of neighbouring properties  
Inappropriate and insensitive infilling  
Previous application at Treff Garne was retrospective  
The Design and Assess Statement is misleading  
We disagree with the comments made in the pre application report  
Plot is higher than the surrounding properties  
The pre app report did not consider neighbouring properties  
Reduced size of the plot will impact on the character of the area  
Inconsistency within the planning department, our plans for a front extension were rejected due to impact on the conservation area  
Damage to nearby trees  
Disruption to public right of way along Chapel Lane  
Given the limited size of the living space inside the property and the bi-fold doors facing towards our garden, there will be outdoor living and excessive noise generated  
Dust and pollution during construction  
Pollution from the wood burner  
Impact on drainage from digging the foundations  
Surface water will drain onto neighbouring properties  
Plot is too small for soakaways  
Contrary to policy S17 of LDP as does not reflect distinctiveness  
250% increase in plot ratio  
Encourage subsequent proposals  
Densification of land use on Chapel Lane  
Will lead to demands to widen the lane leading to hedgerow loss  
Risk to the safety of pedestrians and other road users  
Altering the character of the rural lane  
Ignores the form and character of its environment  
Overlooking and over shadowing  
Too close to neighbouring properties  
A single storey dwelling would be more appropriate  
Treff Garne was built without planning permission  
Applicants may flout the planning regulations again  
Contrary to the definition of infill.

### 5.3 Local Member Representations

Councillor Louise Brown:

Please could application DM/2019/00564 be referred to the planning committee in view of the highways and policy concerns raised online by residents of adjoining properties.

In addition, I would be grateful if the online application details from the applicant/ applicant's agent could be improved which at the start of June 2019, are unclear or have not been provided yet:

- There is no land registry type plan showing the property, proposed additional property and all of the adjoining properties including those on Orchid Meadow and Chapel Lane (albeit provided in one of the neighbouring residents comments);

-The design and access statement adds comments at the end of the report but there are no changes to any details or plans making the application unclear;

-The application concentrates upon the impact of the proposed additional property upon the existing property within the same plot but not adjoining plots;

- The topography of the area is such that Chapel Lane rises upwards so that the land further up Chapel Lane is higher than neighbouring properties lower down.

Reference of the application for consideration by the planning committee should assist in the provision of a fuller picture of the application and consideration of the planning policy issues.

## **6.0 EVALUATION**

### **6.1 Strategic & Spatial Choices**

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

PPW 10 recognises the need to provide sufficient housing in an area to meet housing need. This plot is located within the Pwllmeyric Development Boundary within which policy S1 and H2 presume in favour of new residential development subject to detailed planning considerations. This includes that there should be no unacceptable adverse impact on the village form, character and surrounding landscape. Pwllmeyric, is on a public bus route and is quite close to the town of Chepstow, so this is a relatively sustainable location. The principle of a new residential dwelling in this location is acceptable in policy terms.

Policy S4 of the LDP requires that all new housing developments contribute to affordable housing within the County. Single dwellings are required to make a financial contribution for this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for a four-bedroom dwelling of the size indicated would be £30,650 that would be secured through a section 106 Legal Agreement. This amount of financial contribution is likely to change when the new SPG for Affordable Housing is adopted soon.

#### 6.1.2 Good Design/ Place making

PPW 10 considers that the special characteristics of an area should be central to the design of a development and that the layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. In this area of Chapel Lane, there is no distinct building line and the street scene comprises a mix of house types. In addition the houses are orientated in different ways. This proposal is for a detached dwelling of contemporary design to be located in the front garden of Treff Garne. There is sufficient space to accommodate a detached dwelling and the associated amenity space, the impact on the street scene is acceptable. Although the dwelling will be set up above the level of the lane it is set back at least 6 metres from the edge of the lane behind a mature hedge that is being retained. In order to reduce the impact of the proposed dwelling. In addition, the ground levels will be lowered and the ridge height kept below 6.2 metres. This is essentially a single storey dwelling with some accommodation in the roof space. The design of the dwelling has been informed by the existing dwelling on Treff Garne. There would be a large glazed gable to the front with exposed hardwood frames, facing south to maximise solar gain. The window and door frames will be of a contemporary style. The walls will be of cream render. There will be a flat sedum roof over the garage. The design of the proposal reflects the character of the host building with which it will be read. The scale of the proposed dwelling and its plot will be smaller than that of surrounding properties but not by so much that it is out of keeping with the character of this part of Pwllmeyric. There is a mixture of house types along Chapel Lane although the prevailing character is one of modern dwellings occupying substantial plots. The design of the proposed dwelling will reflect the character of the existing building at Treff Garne and will contribute to a sense of place. The proposal is therefore consistent with the objectives of Policy DES1 of the LDP.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

This site is surrounded by residential properties on three sides and has a road frontage with Chapel Lane. Immediately to the south of the site is 21 Orchid Meadow, which is a two storey detached dwelling set at a slightly lower level than the proposed plot. This dwelling has rear windows at both ground and first floor level which face towards the proposed plot. No. 21 Orchid Meadow is at least 20 metres from the boundary with Treff Garne and the proposed new dwelling would be a further 6 metres from the common boundary. There is a mature hedge along the common boundary which could be allowed to grow out. The side elevation of the proposed dwelling facing towards 21 Orchid Meadow has had one first floor bedroom window removed in its entirety through negotiation between the Council and the applicant, with only bi-fold doors and full height window serving the lounge on the ground floor. Given the distance between the two properties, the intervening hedge and the difference in levels there will be no significant loss of privacy to the occupiers of no 21 as a result of this proposal.

No 20 Orchid Meadow also backs onto Treff Garne but is closer to the existing dwelling. No 20 has a shorter rear garden with a minimum distance of 16 metres to the boundary with Treff Garne but would be at least 25 metres from the proposed new dwelling and not in direct line of sight. To the north of the proposed site is a large detached dormer window which is set at a higher level. On the north east elevation of the proposed dwelling would be a garage window on the side elevation and a first floor bedroom window. The proposed bedroom window will look over the front garden of Broadwinds at a distance of over 15 metres. There would be a shared driveway between the two. Given this orientation and distance there will not be a significant loss of privacy for the occupiers of Broadwinds. To the rear of the proposed new dwelling sits the existing property of Treff Garne. There would be approximately 5 metres between the rear elevation of the proposed dwelling and the side elevation of the existing dwelling, although the proposed garage would be closer. The existing dwelling has two habitable room windows on the ground floor and one on the first floor facing towards the plot. The proposed dwelling would have one bedroom window at ground floor level facing towards the side elevation of the existing house. The design has been carefully considered to ensure no unacceptable level of overlooking. A stone boundary will be provided along the rear boundary of the proposed dwelling to help maintain privacy between the two properties. At first floor level on the rear elevation there will be no windows, only roof lights serving the two en-suites.

The proposed dwelling in this location will not have a significant detrimental impact on the privacy, amenity and health of the occupiers of neighbouring properties, so the proposal does accord with the objectives of policy EP1 of the LDP and PPW 10.

### 6.1.4 Sustainable Management of Natural Resources

The proposed dwelling will have insulated floors, walls and roof that are a higher standard than that of the minimum requirements of the Building Regulations. All new sanitary ware will be low flow to reduce water consumption and new lighting will be energy efficient. Throughout the construction, new materials will be sourced locally where possible to ensure that transportation and emissions are kept to a minimum. The garage to the property would have a sedum roof, which will help to reduce surface water runoff and be of ecological benefit.

## **6.2 Active and Social Places**

### 6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

PPW10 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. Pwllmeyric is in a relatively sustainable location being only two miles from the good range of facilities in Chepstow and also being on a bus route.

### 6.2.2 Access / Highway Safety

The existing access into Chapel Lane will remain as existing but the existing low-level retaining wall at the front of the site will be removed to enlarge the site access. The new property will then have a shared access with the existing property of Treff Garne. The Council's Highway Engineers

offer no objection to the proposal. The increase in traffic using Chapel Lane as a result of one additional dwelling would be minimal and no justification for refusing the application. The road capacity of existing roads in this area can accommodate traffic generated by one additional dwelling and therefore the proposal accords with the objectives of Policy MV1 of the LDP. The adopted Monmouthshire Parking standards require one off street parking space per bedroom up to a maximum of three for each dwelling. In this case, both dwellings will require three spaces. The existing dwelling has a detached double garage and space to park at least two additional cars and the proposed dwelling will have a single garage and space to park an additional two vehicles. The vehicles would be able to turn within the site and exit in a forward gear. The proposal therefore accords with the adopted Monmouthshire Parking Standards.

### **6.3 Distinctive & Natural Places**

#### 6.3.1 Landscape/ Visual Impact

The proposed dwelling will be visible within the street scene and also when viewed from the Wyelands Estate Historic Garden. PPW10 says that the special characteristics of an area is a central design consideration and we should seek to promote or reinforce local distinctiveness. In this case the new dwelling will be seen in the context of the surrounding residential development. The dwelling will be elevated above the level of the road but it will be set back from the road frontage and behind an existing hedge. This, combined with the fact that the ground levels are being reduced and the ridge height of the building is low, means that the proposed building will not have an overbearing impact on the street scene. The design of the dwelling is in keeping with the area in that it is very similar in style to that of the host building. The proposal, when viewed from the Wyelands Estate that is on the opposite side of the road with two intervening hedges, will be seen in the context of the existing dwellings and it will not detract from the character of the Historic Park.

#### 6.3.2 Green Infrastructure

The application related to a small residential plot on existing residential curtilage. The existing hedges along the road frontage are being retained and additional planting is being provided within the site. Given the very limited size of the plot there is little scope for additional green infrastructure.

#### 6.3.3 Biodiversity

The proposed plot is within the residential curtilage of an existing dwelling which was recently constructed. There are some small trees on the site that need to be felled to accommodate the new dwelling but these are young, domestic garden plants which have no protection and could be cut down in any case. MCC ecologists welcome the fact that the existing hedgerow is being retained. There are no built structures on the site to be demolished. A Bats in Building survey was carried out on the existing building and this led to MCC Ecologists concluding that the existing building did not need further assessment. The Council's ecologists have concerns over light spillage from the proposed dwelling due to the large amount of glazing on the south elevation. This is a domestic dwelling within an established residential area, and it is not considered realistic to try to restrict light spillage from such developments.

#### 6.3.4 Flooding

The site is not in a designated Flood zone

#### 6.3.5 Water (including foul drainage / SuDS), Air, Soundscape & Light

The proposed scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body. The applicants have been made aware of this.

### **6.4 Response to the Representations of Third Parties and/or Community/Town Council**

6.4.1 Most of the comments made by the community council and local residents such as over-development, residential amenity, traffic generation access, parking and design have been addressed in the main body of this report. In addition, residents are concerned with regards to disruption, noise and dust during construction. There is sufficient land available within the site so that there will be no need to block Chapel Lane. A construction management plan will be asked for by condition. The disruption during construction will only be temporary. The surface water and other drainage considerations will be subject to SAB and approval under the Building Regulations. Each planning application will be determined on its merits so this will not set a precedent for other development in the area. The proposed dwelling will be higher than dwellings in Orchid Meadow but lower than the dwellings to the north and a similar height to Treff Garn. This is because the land on Chapel Lane slopes down from east to west. The proposal is considered to be a reasonable form development within the development boundary of the village.

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

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

## **6.6 Conclusion**

6.6.1 The principle of new residential development in this location is acceptable as the plot is within the development boundary. The design of the proposal is in keeping with the character of the area and does not adversely impact in the residential amenity of neighbouring properties. The proposal does not have a detrimental impact on the setting of the Wyelands Estate or the Mathern Conservation Area. The proposal accords with development plan policy.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

A commuted sum of £30,650 towards affordable housing in the area

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

### **Conditions :**

- 1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

3 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification) the garage hereby approved shall not be physically altered or converted to any other domestic purpose without prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.

REASON:

The garage is the only parking provided and its loss for this purpose may lead to parking problems and to ensure compliance with LDP Policy MV1.

4 Prior to work commencing on site, a construction management plan shall be submitted to and agreed in writing with the Local Planning Department. All works shall be carried out in accordance with the approved construction management plan,

REASON: In the interests of residential amenity in accordance with policy EP1 of the LDP

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 dwelling house or any outbuildings shall be erected or constructed.

REASON: In the interests of residential amenity in accordance with policy EP1 of the LDP.

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**Application Number:** DM/2019/00593

**Proposal:** Storage barn for hay and straw.

**Address:** Whitehall Farm, Rockfield, Monmouth

**Applicant:** Mr. David Brian Edwards

**Plans:** Block Plan - , Location Plan Site Location Plan - , All Proposed Plans Elevations & Floor Plan

## **RECOMMENDATION: Approve**

Case Officer: Mr. Tudor Gunn

Date Valid: 15.05.2019

**This application is presented to Planning Committee due the applicant being related to an elected County Councillor**

## **1.0 APPLICATION DETAILS**

1.1 This application relates to an established agricultural holding known as Whitehall Farm located to the south of Whitehall Lane in Rockfield. The site is comprised of a number of larger modern agricultural buildings with the main dwelling positioned to the west of the site.

1.2 Full planning permission is sought for the erection of a new stand alone agricultural building that would be used for the storage of hay and straw. It would be sited immediately to the south of the established group. With regard to dimensions the proposed building would measure 30.5m in length, 15.15m width and stand 8.13m to the ridge. External materials proposed include fibre cement sheets to the roof and Yorkshire boarding timber cladding to the walls.

## **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01278	Agricultural building for dry storage and security of machinery, etc.	Acceptable	03.09.2018
DC/2012/00780	new portal frame infill building to provide a cover over an existing collecting area		10.10.2012
DC/2010/00905	Building for housing cattle and feeding area	Acceptable	08.11.2010

DC/2012/00836	Portal frame infill building to provide a cover over an existing collecting area.	Approved	07.12.2012
DC/2014/00518	Portal framed extension to an existing agricultural building to provide additional livestock housing space.	Approved	02.07.2014

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

#### **Strategic Policies**

S10 LDP Rural Enterprise  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

EP1 LDP Amenity and Environmental Protection  
DES1 LDP General Design Considerations  
LC5 LDP Protection and Enhancement of Landscape Character  
RE4 LDP New Agricultural and Forestry Buildings  
LC1 LDP New Built Development in the Open Countryside

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

### **5.0 REPRESENTATIONS**

#### 5.1 Consultation Replies

**Llangattock Vibon Avel Community Council** - Have not responded to date (consulted 15/05/2019).

**MCC Sustainable Drainage Approving Body** - The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

SEWBREC Search Results - No significant ecological record identified.

#### 5.2 Neighbour Notification

No responses received further to public consultation exercise.

#### 5.3 Local Member Representations

## **6.1 EVALUATION**

### **6.2 Strategic & Spatial Choices**

#### 6.2.1 Principle of Development

Policy LC1 of the adopted Monmouthshire Local Development Plan (LDP) sets out that "there is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism". In this instance the proposed building is considered justified for the purposes of agriculture under Policy RE4.

Policy LC1 sets out a number of criteria (a-d) that should be met where new built development is justified. In this instance the building would be satisfactorily similar into the landscape (discussed in further detail later in this report), would be located close to existing buildings, is of appropriate scale and design and finally would not cause unacceptable harm to landscape, historical/cultural or geological heritage, biodiversity or local amenity value. Accordingly the proposed agricultural building is considered to be acceptable subject to detailed material considerations.

#### 6.2.2 Good Design/ Place making

The building itself is considered to be of standard modern agricultural specification and therefore appropriate to its context. The site already features a number of large buildings within similar low pitched roofs, in addition other buildings are finished with Yorkshire boarding as proposed. Accordingly the proposal is considered to meet the requirements of Policy DES1 of the adopted LDP.

#### 6.2.3 Impact on Amenity

The nearest neighbouring property, known as The Cherries, is located approximately 0.36 miles away to the North West. As such it is not considered that the proposal, which is contained within an existing working farm, would cause harm to the amenity interests of any third parties. In addition the building would be used for the housing of straw and hay rather than livestock. Therefore the proposed building is considered meet the requirements of Policy EP1 of the adopted LDP.

### **6.2 Active and Social Places**

#### 6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

Owing to the nature of the work at the site, agriculture, it is acknowledged that this industry is rurally based and reliant on various vehicles to carry out typical functions and therefore it would be unreasonable for it to rely on other modes of transport.

#### 6.2.2 Access / Highway Safety

The existing single point of vehicular access that serves the complex onto Whitehall Lane would also serve the proposed building. The access is considered to be suitable for use by large modern agricultural vehicles and machinery, it is not considered that this would require any improvements based on the provision of one additional storage building. The development is therefore considered to meet Policy MV1 of the LDP.

### **6.3 Productive and Enterprising Places**

#### 6.3.1 The Rural Economy

Paragraph 2.4 of PPW10 acknowledges that the rural countryside "provides an economic and environmental base for agriculture and tourism to thrive." It goes on further in para. 5.6.6 to set out that "Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation." In this instance the additional hay and straw building is required to meet

ongoing storage demands on site and therefore as per PPW10 the application is supported.

## **6.4 Distinctive & Natural Places**

### 6.4.1 Landscape/ Visual Impact

Whilst the building in isolation is of good size, approximately 450 square metres, it would be sited within context of a number of large agricultural buildings - some of are which larger than that proposed. Therefore whilst the building would be visible from wider public vantage points to the South, it is considered that given the aforementioned established group of buildings as a backdrop that the proposal would not appear incongruous or visually intrusive within the wider rural landscape.

A Public Right of Way (Ref: 364/285/1) exists along the North West boundary of the farm and whilst this would have views of the proposal, for the contextual reasons already detailed it is not considered that visual impact of the new building would be unacceptable.

### 6.4.2 Water (including foul drainage / SuDS), Air, Soundscape & Light

As of 7th January 2019, all new developments in Wales with drainage implications, of at least 2 properties or over 100m<sup>2</sup>, will be required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government standards for sustainable drainage. Accordingly the Council's SuDS Approving Body (SAB) have confirmed that the proposal, which is in excess of 100m<sup>2</sup>, will require separate approval from them prior to construction.

No additional lighting is proposed as part of the development, whilst owing to the nature of the development it is not considered that formal survey work is required to inform impact on air quality and sound.

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

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

## **6.6 Conclusion**

6.6.1 The proposed building, to be used for the storage of hay and straw, is considered to be reasonably required for the purposes of agricultural. It is of appropriate scale and design for its intended purpose and would satisfactorily assimilate into the rural landscape in the context of the established group of buildings. The proposal is therefore considered to be in accordance with relevant policies within the adopted LDP and therefore acceptable subject to the conditions set out below.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

## **INFORMATIVES**

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

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**Application Number:** DM/2019/00595

**Proposal:** Change of use from a C3 dwelling house to C4 house in multiple occupation

**Address:** 62 Chepstow Road, Caldicot, NP26 4HZ

**Applicant:** Mr. John Frost

**Plans:** Location Plan - , Floor Plans - Existing (00) 01 - , Floor Plans - Existing (00) 02 - , Location Plan 3826\_PA\_002 - , Block Plan 3826\_PA\_002 - ,

## **RECOMMENDATION: Approve**

Case Officer: Ms. Kate Young

Date Valid: 05.06.2019

**This application is presented to Planning Committee because it is a proposal that involves the Council's Housing team and because of the large number of objections received**

### **1.0 APPLICATION DETAILS**

1.1 62 Chepstow Road is a six bedroom, two-storey, detached property located within the Caldicot Development Boundary as referred to in Policy S1 of the Local Development Plan (LDP). It is accessed off a long driveway that runs between no. 64 and 62A Chepstow Road, it is set back from the road behind no. 64. There are residential properties on three sides of it and to the south are playing fields. The application seeks a change of use to a house in multiple occupation. The residents of the property will share the communal living room and kitchen and have separate private bedrooms. There are three, off road car parking spaces to the front of the property. There will be no extensions to the property.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00595	Change of use from a C3 dwelling house to C4 house in multiple occupation.	Pending Determination	

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

## 4.0 NATIONAL PLANNING POLICY

### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

#### **Caldicot Town Council** – Recommends refusal.

Lack of public consultation

Lack of consultation with the Local Education Authority and Police

Anti-Social behaviour concerns

Young and vulnerable persons living close by.

#### **MCC Highways** - No objection.

Following receipt of additional information from the applicant regarding intended occupancy and staff visiting, the applicant states that the property will provide emergency accommodation for families such as single men or women with children or couples with children. Staff will visit once a week. Therefore, the level of car parking provided within the curtilage of the dwelling is deemed adequate for the intended use and the expected vehicle movements are considered to be minimal and not detrimental to the safe use of the existing means of access. It should also be noted that staff and visitors have the benefit of layby parking in close proximity to the proposal on the opposite side of Chepstow Road as well as the free public car park located at Jubilee Way.

The highway authority offer no objections to the proposed change of use

**MCC Environmental Health** - No objections to the above proposed change of use from Environmental Health section.

**MCC Housing** - The said property has been purchased by Monmouthshire Housing Association to support the Council to meet its responsibilities under the Housing (Wales) Act 2014 and to help the Council increase accommodation options for the residents of Monmouthshire.

In this context there is currently, for all household groups and including families with children, a shortage of social housing in the County, it can be challenging for households to access private sector accommodation and there is a lack of temporary accommodation.

The Council is working with Monmouthshire Housing Association to increase accommodation options in Monmouthshire. One such case is MHA's purchase of 62 Chepstow Road for use by the Council



A key issue is the Council's ability to provide accommodation for families who may experience the risk of or actual homelessness. As a result and to meet our responsibilities it's not uncommon for us to need to re-house families away from their home areas which can displace families away from support networks such as family, friends, medical facilities and can be disruptive to children attending school.

There can be a need to use B & B (outside of the County). On occasions and in order to assist some families we may need to ask families to move to another town including Caldicot and Chepstow families possibly needing to move to Monmouth to shared family accommodation; or B & B (we don't currently have any in Monmouthshire) or a vacant Monmouthshire Lettings property in any of the 4 towns.

In this regard we have been trying to encourage private landlords to work with us (under the banner of Monmouthshire Lettings). Plus we ask the housing associations to assist us. And MHA agreed to help us with helping with family accommodation.

Therefore, 62 Chepstow Road will be used for shared family accommodation and will be managed directly by the accommodation staff in the Housing Options Team under the supervision of our Private Sector Liaison Officer. We expect that the majority of the families accommodated will be Caldicot and Chepstow families.

Accommodation staff (it will be the responsibility of one of the team) will routinely visit the property on a regular basis. In the event of any problems we will attend in response. There is a member of accommodation staff on duty during office hours and there is a homeless officer on duty outside of office hours (which we share with Torfaen and Blaenau Gwent).

All households that we accommodate will all be 'risk assessed' prior to being offered a accommodation which will help to inform our decision making about suitability.

We are having CCTV installed.

There will be no single people placed here. This will be used as family only accommodation.

And to complement our management, all households here will be expected to engage with housing support. Depending on a family's circumstances, housing support involvement can be varied in terms of regularity of contact and length of involvement.

## 5.2 Neighbour Notification

78 Letters of objection have been received

Close to adjoining properties

Conflict with local plan

Development too high

General dislike of proposal

Inadequate access

Loss of privacy

Noise nuisance

Not enough information given on application

Out of keeping with character of area

Over development

Inadequate parking

Adjacent to a school site

Children in adjacent properties on a regular basis

As the offenders will be from outside the area how long will it take other Authorities to respond to removal of offenders causing problems?

Residents were not fully informed by the Council, and it would appear neither were the Town Council

Data obtained from CCTV will be an infringement of human rights, where will information be stored?

Loss of amenity to neighbouring properties by this proposed use.  
It is foreseeable the persons to be accommodated would pose a risk.  
Some adults in adjoining property are disabled and are deemed vulnerable  
The privacy, quality of life in this residential area will be severely affected  
Overlooks public facilities such as a skate park, school running track and sports field, a well thought of 4G football pitch/training area used by adults and children alike, tennis courts the leisure centre and incredibly a school attended by in excess of 1200 children  
Access to this property has been altered by the previous owner in the removal an existing visibility splay  
The work is retrospective  
The discovery and subsequent removal of asbestos  
No consultation with Neighbours  
Loss of security  
Impact on health and wellbeing of neighbours  
Anti-social Behaviour  
A building with offenders is bad enough but to allow it to be in such close proximity to a school is a no go. It is a huge worry to parents.  
There will be an increase in the cost of both home and car insurance and it will also be detrimental to the value of our homes  
Caldicot is a small town and this proposal is totally out of keeping with the area.  
While I appreciate people on licence have to be accommodated somewhere this is definitely not the right place.  
Caldicot has rising crime and no police station that is manned  
A halfway house should not be near schools as there is a serious conflict of interest  
A terrible idea to put offenders anywhere near a high school  
Strange how you can have a halfway house for ex-prisoners but not for people with mental issues.  
Extremely concerned about the lack of communication with residents and the security of those that live nearby including elderly residents and children. Security cameras and gates would confirm those fears. It will also affect the quality of life for those living nearby who may live in constant fear with the house overlooking several properties.  
Why does MHA believe this site is worth the investment already committed to the property if it has not got the correct planning consent  
When did my local ward councillor know what was going in the last 6 months at the secret development? No notices given at all.  
I wish for you to consider just how many people you would be putting in a position of feeling insecure and adding more unnecessary stress on their health and well-being  
Anxiety and stress to elderly neighbours.  
Disruption over the last few months due to building work that has already taken place including removal of asbestos. My young children were playing in their garden at this time and I have concerns for their future health let alone them being sick around this time which could now be linked.  
Possibility of anti-social behaviour with the increased noise pollution caused by the number of occupants.  
Who will compensate us for the security systems we will have to install to help keep us safe.  
How many C4 uses are located near any local councillors?

## 6.1 EVALUATION

### 6.2 Strategic & Spatial Choices

#### 6.2.1 Strategic Planning/ Development Plan context/ Principle of Development

This is an existing residential property within the Caldicot Development boundary. The principle of residential use is already established. There has recently been a change in legislation in Wales so that now a change of use to a House of Multiple Occupation (HMO) requires planning permission. MCC has no specific policies relating to HMO's but Policy H9 Flat Conversion could be used as a guiding principle. Policy H9 of the LDP states that the conversion of properties into flats within town development boundaries will be permitted provided that the development does not adversely affect the particular qualities of the street. In this case there are no external physical alterations to the property and it will have no impact on the street scene. The works to replace the roof tiles and internal refurbishment would not require the benefit of planning permission. The site is not in a conservation area or any other special designation. 62 Chepstow Road is a modern spacious property which has a large area for off street parking to the front and a small garden to the rear, there is sufficient amenity space. The proposal therefore accords with the objectives of Policy H9 of the LDP.

There is currently a shortage of social housing in the County. Therefore, 62 Chepstow Road will be used for shared family accommodation and will be managed directly by the accommodation staff in the Housing Options Team. It is expected that the majority of the families accommodated, will be from the Caldicot and Chepstow Area. One advantage of being able to re-house families in the local area is that there is less disruption for the children and often they will not have to change school. Housing the families locally also means that they are close to support networks such as family, friends and medical facilities. There will be no single people housed at this property. All households that are accommodated here will all be 'risk assessed' prior to being offered accommodation which will help to inform decision making about suitability. The property will be used by the Council's Housing Options Team to help the Council meet its statutory duty under the Housing (Wales) Act 2014, to prevent homelessness. The property will be monitored by CCTV and will be managed directly by the Council's Housing Options Team accommodation staff, with weekly visits. Visits can be more often if required.

The principle of the property being used as a HMO is considered to be acceptable. The dwelling would continue to be used for residential purposes and this type of residential use is appropriate within this area and within the Caldicot Development Boundary.

#### 6.2.2 Good Design/ Place making

The proposal will have no impact on the appearance of the area, there are no external physical alterations required other than replacing the roof tiles; that work has already been carried out. The replacement of roof tiles does not constitute development that requires planning permission. The property is set back from the road behind two other residential properties. The proposed change of use has no impact on the street scene.

#### 6.2.3 Impact on Amenity/ Promoting Healthier Places

The proposed change of use is intended to help prevent homelessness within the County. Thus, it can be seen to be conforming with the objective of promoting healthier places. The HMO will be used as a residential property, not unlike the surrounding residential properties. The use of the property by up to six families would be intensifying the current use as a single dwelling but the size of the property can easily accommodate this. The fact that the property may be used to house local families will help with the health and wellbeing of those families as it would be much less disruptive than locating them within other towns in the county, or even outside of the county. The occupiers will be monitored and the change of use should not necessarily result in an increase in anti-social behaviour providing it is managed correctly. The housing of families in this location should not impact on the amenity of adjoining occupiers. The change of use is unlikely to generate a

significant increase in traffic in the local area to warrant refusing the application in relation to the impact on the existing highway infrastructure.

#### 6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

No 62 Chepstow Road is located in a very sustainable location within an established residential area and in easy walking distance to shops and other facilities. The adopted Monmouthshire Parking Standards require that one off street parking space is required per bedroom up to a maximum of three spaces. The submitted plan indicates three off street parking spaces to the front of the property but there is sufficient space available to provide more if necessary. In reality, it is unlikely that the occupiers of the HMO will actually own cars but there is space available for visitor parking. The proposal, however, accords with the provisions of Policy MV1 of the LDP in that adequate parking provision would be provided.

#### 6.2.2 Access / Highway Safety

The property is currently a residential dwelling. The change of use is unlikely to generate a significant increase in traffic. In fact, it is unlikely that the residents using the HMO will be the owners of private cars. The property is so close to the town centre that a high proportion of trips can be made on foot which complies with the objectives of PPW10 Sustainable Transport Hierarchy.

### **6.3 Productive and Enterprising Places**

#### 6.3.1 Economic Development

The proposal will not have an impact on economic development, tourism or the rural economy.

### **6.4 Distinctive & Natural Places**

#### 6.4.1 Landscape/ Visual Impact

This application relates to a change of use and there are no visual impacts as a result. The site is surrounded by existing residential properties with playing fields to the rear. The proposed change of use will not impact on the playing fields.

#### 6.4.2 Water (including foul drainage / SuDS), Air, Soundscape & Light

There is no need for a SuDS drainage application as there is no increase in the built form or hardstanding area.

### **6.5 Response to the Representations of Third Parties**

6.5.1 The adjacent residents have raised concerns that they are unsure regarding the type of residents who will be living in the HMO. In this case, it is likely that the property would be used for families who may potentially become homeless. Planning permission does not restrict the type of tenants who can use the property and in the same way the planning system should not seek to restrict who can occupy any other type of residential dwelling. The question of who will occupy a HMO is not a material planning consideration; the main planning concern is whether the proposed land use is acceptable and the impact of the development on the amenity of the neighbouring parties. The level of parking provision at the site is considered acceptable and the impact on the street scene is minimal. The proposed change of use would not result in any additional overlooking and would not result in a loss of privacy for neighbouring parties. The fact that work had already started does not affect the planning merits of the case. The renovation work and replacement roof tiles did not require the benefit of planning permission and the change of use has not yet been implemented. Therefore, consent would not be required for any works at the site to date. The proposed development would have an acceptable impact on residential amenity and would be in accordance with Policy EP1 of the LDP.

Local residents of existing properties were concerned that the CCTV installed would reduce their level of privacy. The CCTV will not be directed at adjoining properties; rather it will be facing toward

No 62. The only way the existing residents will be filmed would be if they were to visit no 62. Local residents appear to have misinterpreted the term "tenancy licence" for that of prisoners under licence. There will be no prisoners or offenders housed in this property, rather it is to be used to house local families who are in danger of becoming homeless. Local residents refer to asbestos being removed from the roof of the property. There was asbestos in the roof of the garage and this has been removed by a licensed contractor who supervised its suitable disposal and was the subject of an Air Quality Assurance Test. The removal of asbestos is not a planning consideration and Environmental Health Officers have been informed.

Local residents have also expressed concerns about the impact on the school that is to the rear of the site. The proposed change of use will not directly affect local schools but the HMO may possibly prevent some students having to change school if suitable accommodation could not be found locally.

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

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

## **7.0 Conclusion**

7.1 The proposed change of use of this modern detached property into a HMO is considered to be acceptable. The HMO would result in the property continuing to be used for a residential purpose and this use is appropriate for the area. The development would not have an unacceptable impact on the residential amenity of any other party and the proposal would be in accordance with the relevant policies in the LDP.

## **8.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

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**Application Number:** DM/2019/00879

**Proposal:** Provision of pedestrian access to public car park and erection of fence and gate and associated works

**Address:** The Inn Between, 53 Bridge Street, Usk, NP15 1BQ

**Applicant:** Mr. Clive Jones

**Plans:** Photography - , Block Plan CJ/IB/GE/01 - , Block Plan CJ/IB/GE/01 - , Site Plan CJ/IB/GE/02 - , Site Plan CJ/IB/GE/02 - , Location Plan SI/P/05 - ,

## **RECOMMENDATION: Approve**

Case Officer: Ms. Lowri Hughson-Smith  
Date Valid: 04.06.2019

**This application is presented to Planning Committee due to the application site being partially within the ownership of Monmouthshire County Council.**

### **1.0 APPLICATION DETAILS**

1.1 The application site is an area of land located to the rear of the public house, known as the Inn Between, located in the centre of Usk town centre. The Inn Between is a grade II listed building and the site is also located within in the Usk Conservation Area.

1.2 The proposal is to provide a footpath link from the public house car park to the main town centre public car park located to the north. The link is approximately 2.5m in length and approximately 2.25m in width. The works will require removal of shrubs and overgrowth at the rear of the Inn Between and the removal of a small area of planting within the public car park. The link will not result in the loss of any parking spaces within the main public car park.

1.3 The proposal also includes the provision of a fence and gate along the northern boundary of the Inn Between car park. The proposed fence is a close-boarded timber fence.

### **2.0 RELEVANT PLANNING HISTORY (recent only)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01941	Refurbishment, new en-suite bathrooms, re-siting bar servery, & additional bar.	Invalid Application	
36754	Replacement Of Pub Advertising Signage To Reflect New Brewery Ownership.	Refused	14.12.1993

29192	4 No. Public House Signs, 1 No. Projecting Sign.	Refused	14.09.1988
37097	Replace Existing Signage With New And Change Colour Scheme.	Approved	09.05.1994
36687	Illuminated Sign	Refused	06.12.1993
25608	Demolition Of Previous Extensions, Construction Of New Restaurant, Kitchen, Entrance Toilets, Bedrooms & Stores Etc.	Approved	05.03.1986
29238	Fascia Sign And Direction Board Externally Illuminated. 2 No. Lanterns To Front Door.	Refused	04.10.1988
37073	Advertisement Boards. (Name Fascia, Amenity Board, Heritage Plaque, Directional Sign And Brewers Shield).	Approved	04.05.1994



### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S17 LDP Place Making and Design

#### Development Management Policies

DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
SD3 LDP Flood Risk

### 4.0 NATIONAL PLANNING POLICY

#### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Usk Town Council** - recommended approval.

**MCC Highways** - No objection.

**MCC Traffic and Road Safety** - The MCC traffic and road safety team raised no objection to the provision of a pedestrian link providing no parking spaces are lost. (To confirm, no parking spaces within either car park will be lost as result of proposals).

**Glamorgan Gwent Archaeological Trust** - GGAT raised no objection, concluding:

'The proposed application is to provide a pedestrian access from the public car park. We note from the application's supporting documents that the proposed works are of a relatively limited scale and are located in an area that has already been disturbed from the construction of the current carpark. Therefore, due to the previous ground disturbance and limited scale of the development it is considered unlikely for significant archaeological remains to be encountered during the proposed works.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.'

MCC Heritage Officer - No adverse comments subject to a condition to agree details fence.

#### 5.2 Neighbour Notification

No responses received.

## 6.0 EVALUATION

### Strategic Planning/ Development Plan context/ Principle of Development

6.1 The site is located in the settlement of Usk, therefore, a presumption in favour of development exists subject to the acceptability of material planning considerations. In this case, the material planning considerations are:

- o Good Design/Visual Impact
- o Amenity/Promoting Healthier Places
- o Impact on Conservation Area
- o Impact on Archaeology Resource
- o Flooding
- o Biodiversity

### Good Design/ Place making

6.2 The proposed link will result in the removal of a small amount of overgrowth to the rear of the Inn Between public house and low-level planting within the public car park to provide a connecting pathway. The path will be finished in 1200mm paving slabs and low-level planting either side. A 2m high fence will also be constructed along the north boundary of the car park associated with the Inn Between with a gate positioned adjacent to the pathway to enable access to the proposed link.

6.3 The scale of the proposal is minor and would have an insignificant impact in visual terms, especially given the location of the link to the rear of the Inn Between public house which is not highly visible from the main streetscene through Usk Town centre. The link will be visible from the public car park; however, this impact is not significant or harmful.

6.4 The proposal is acceptable in design and will not have a harmful visual impact in accordance with policy DES1.

### Impact on Amenity/ Promoting Healthier Places

6.5 The modest scale of the proposals will not result in any built form and does not intensify the use of the site. The impact on neighbouring amenity, therefore, is negligible. The proposal is acceptable in accordance with Policy EP1.

### Impact on the Historic Environment

6.6 The site is located within the Usk Conservation Area. Policy HE1 requires development to preserve or enhance the area and its historic characteristics and meet the following criteria:

- a) preserve or enhance the character or appearance of the area and its landscape setting;
- b) have no serious adverse effect on significant views into and out of the Conservation Area;
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- e) pay special attention to the setting of the building and its open areas.

6.7 The proposed link and fence are in a discreet location, to the rear of the Inn Between car park. Additionally, the proposals only affect a small area of the public car park which is not a highly visible within the conservation area designation. The modest nature of the proposal will result in a minimal visual impact, as discussed above. The proposals, therefore, will not have a harmful impact on the character of the conservation area or its significant views and vistas. The finishing material of the link is paving slabs, which is considered acceptable, and the proposed fence is timber which is considered appropriate for the area. The proposal accords with criteria a), b), c) and d) of Policy HE1.

6.8 The Inn Between Public House is Grade II listed and, therefore, the proposal must preserve the setting of the building. The proposed link has minimal impact due to its nature, which is further reduced with the ample separation distance of 42m from the building. The close-boarded timber fence and gate will affect the setting; however, the current boundary is metal sheeting and the proposal of a timber fence is an improvement, providing the fence is of a high quality. The final fence details will be agreed via condition to ensure it is a high-quality fence given its location within the curtilage of the listed building. The proposal respects the setting of the listed building and accords with criterion e) of Policy HE1.

6.9 The Heritage Officer has reviewed the proposal and has raised no adverse comments providing the fence details are secured via condition.

6.10 The proposal is acceptable in the context of Policy HE1 and will not have a harmful impact on the Conservation Area.

#### Impact on the Archaeological Resource

6.11 The site is located within an area of archaeological sensitivity and, therefore, the impact on archaeology resource needs to be assessed.

6.12 The proposal will require a limited amount of ground works to provide the link and fence. Glamorgan Gwent Archaeological Trust (GGAT) have assessed the application and raised no objection to the link or fence, and nor have they requested mitigation measures.

6.13 It is concluded that the development would not have an adverse impact on archaeological resource and the proposal accords with the requirements of PPW 10.

#### Flooding

6.14 The site is in a C1 flood zone; a high-risk flood zone served by flood defences or infrastructure. Developments within C1 zones are required to be accompanied by a Flood Consequences Assessment (hereafter referred to as FCA).

6.15 In this case, the proposal is minor with an area of less than 6m<sup>2</sup>, it does not result in any built form and the proposal is not highly vulnerable in nature. It is not, therefore, reasonable or rational to require an FCA.

6.16 Given the scale of the proposals there would be a negligible impact in terms of flood risk and, therefore, the development is in accordance with Policy SD3.

#### Biodiversity

6.17 The proposed site area is small, with just 6m<sup>2</sup> area of overgrown shrubs to be removed to provide the link and fence. Given the limited amount of works together with the urban location of the site, it is concluded that there would be very limited impact on biodiversity. The proposal is considered to accord with Policy NE1.

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

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

## **Conclusion**

6.19 The proposal is considered acceptable due to its location within the settlement boundary together with its acceptable impact in the context of the relevant material planning considerations and accordance with LDP policies DES1, EP1, HE1, NE1 and SD3.

## **7.1 RECOMMENDATION: APPROVE OR REFUSE**

### **Conditions:**

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

3 No development shall commence until details of the design, height and materials proposed for the fence and gate shown on the layout plan have been submitted to and approved in writing by, the Local Planning Authority. The means of enclosure and gate shall be carried out in accordance with the approved details and shall be erected prior to the new path being brought into use.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1 and HE1.

**Application Number:** DM/2019/00929

**Proposal:** Development proposal is for change of use from day centre to residential use.

**Address:** Boverton House Day Centre, Bulwark Road, Chepstow, NP16 5JE

**Applicant:** Mr. Alun Davies

**Plans:** Location Plan Site Location Plan - , Floor Plans - Proposed 105/1 - , Floor Plans - Proposed 105/3 - , Floor Plans - Proposed 105/4 - ,

## **RECOMMENDATION: Approve**

Case Officer: Ms. Kate Young  
Date Valid: 12.06.2019

**This application is presented to Planning Committee as the property is currently owned by Monmouthshire County Council**

### **1.0 APPLICATION DETAILS**

1.1 Boverton House is a substantial three storey building situated in extensive grounds with a long driveway off Bulwark Road. The property is situated above the height of the road. The site is located within the Chepstow Development Boundary and is surrounded by residential properties. The site is within the Chepstow Conservation Area and Boverton House is specifically mentioned within the Chepstow Conservation Area Appraisal. There are several protected trees in the grounds, including a group of four beech trees very close to the house. The property to the south, The Gwentlands, is a Grade II Listed Building. Boverton House was last used as a day centre for Monmouthshire County Council but has been vacant for some time. The current application seeks the change of use of the property back to residential use as a single family dwelling. The current proposal does not involve any physical alterations to the building and does not include any new build. At some time in the future the owners may wish to subdivide the property or to build in the grounds but that would be the subject of a separate application. The current application seeks only the change of use.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00929	Development proposal is for change of use from Business to Residential purpose.	Pending Determination	

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision  
S4 LDP Affordable Housing Provision  
S5 LDP Community and Recreation Facilities  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### Development Management Policies

SD4 LDP Sustainable Drainage  
CRF1 LDP Retention of Existing Community Facilities  
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas

### 4.0 NATIONAL PLANNING POLICY

#### Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Chepstow Town Council** – Approve; would like to see more detail on potential number of residents and parking.

**MCC Highways** - No objection.

**MCC Housing** - Housing and Communities have pleasure in responding to your consultation letter of 12th July 2019. It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required is set out in the table below.

The calculator does not assess whether or not the scheme can afford the policy compliant amount of affordable housing. Should there be issues of viability a full viability assessment would need to be undertaken.

The tool kit we use doesn't allow for 6 beds so I have used a current open market valuation of £550,000 (I think this is conservative) and the new 142G bands.  
Financial contribution for affordable housing is £100,332

**MCC Heritage** - Only existing floor plans appear to be submitted. In principle the conversion of the building back into residential use is acceptable and it is not viewed reverting back to the historic use of the building will not have a detrimental impact upon the character of the conservation area, or upon the setting of the surrounding listed buildings. External elevation changes are not known, nor the amount of units which may require division of the building, extensions, or external fire exits etc., all of which could impact upon the character of the conservation area.

## 5.2 Neighbour Notification

Two letters received

Whilst we have no immediate objections to this, we are aware of the pre-planning advice sought by the council for this property and the likely intention for multiple dwellings to be sited there. As our property shares a boundary with Boverton House and will be directly impacted by any development there (as will both of our neighbours), we ask to be kept up to date with all associated planning applications where possible

Not enough information given on application.

## **6.1 EVALUATION**

### **6.1.1 Strategic & Spatial Choices**

#### Strategic Planning/ Development Plan context/ Principle of Development

6.1.1.1 This property was once a single residential dwelling. It is located within the Chepstow Development Boundary surrounding by other residential properties. The principle of this property revering back to residential use is acceptable. Policy S1 and H1 both presume in favour of residential development within Development Boundaries of main towns. This is a sustainable location for a residential dwelling.

Policy S4 of the LDP requires that all housing developments including conversions to contribute to affordable housing within the County. Single dwellings are required to make a financial contribution for this and the amount will depend on the size and location of the proposed dwelling. In this case the financial contribution required for a six-bedroom dwelling of the size indicated would be £100,332 that would be secured through a section 106 Legal Agreement. This amount of financial contribution is likely to change when the new SPG for Affordable Housing is adopted soon.

#### Good Design/ Place making

6.1.1.2 The proposed change of use will not involve any physical alterations so the proposal will have little visual impact. The removal of corporate, institutional type signs and car parking will enhance the appearance of this part of the Conservation Area as will the bringing back into use a building which is currently vacant. If the change of use is allowed it is likely that a subsequent application will come in in due course, seeking physical amendments including the removal of the fire escape and some unsympathetic extensions but that will be the subject of future applications.

#### Impact on Amenity/ Promoting Healthier Places

6.1.1.3 This property was originally a single dwelling house and this application merely seeks to reinstate it. The location is sustainable being on a bus route and also being within walking distance of the town centre will all the associated facilities. The ability of the occupants to walk into town from this site will enhance health and wellbeing for the occupants. The use of the building as a single dwelling rather than as a community day centre will result in greater residential amenity for the occupiers of the surrounding properties as it will be a less intensive use and will result in less noise and disturbance. No new window openings are being proposed, the principle views are from the front elevation which looks out over the extensive grounds to the front of the property. There will be no greater increase in overlooking of neighbouring properties as a result of this change of use,

#### Sustainable Management of Natural Resources

6.1.1.4 The proposal does not involve any building works

## **6.2 Active and Social Places**

### 6.2.1 Transport / Housing - sustainable transport issues (Sustainable Transport Hierarchy)

PPW10 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. Bulwark Road is a very sustainable location being within easy walking distance of the town centre facilities and the neighbourhood shopping centre in Bulwark. It is possible that residents of the new dwelling could walk or cycle into Chepstow, where they could benefit from a range of amenities including bus and train stations. The proposed change of use would therefore accord with the objectives of PPW10 to provide development in sustainable locations.

### 6.2.2 Access / Highway Safety

The access into the property will not be altered. There is a large car park inside the site, providing for at least ten cars, this is far in excess of the adopted Monmouthshire Parking standards which would require only three spaces. The proposal will have no impact on the road network other than to reduce the numbers of vehicle movements therefore the proposal accords with the objectives of Policy MV1 of the LDP.

### 6.2.3 Community Facilities

The day centre could be considered as a community facility. Policy CRF1 of the LDP seeks to protect and such facilities in towns and villages. The day centre has been closed for several years and as such, the proposed change of use does not conflict with the objectives of Policy CRF1 of the LDP.

## **6.3 Productive and Enterprising Places**

### 6.3.1 Economic Development

The day centre closed a long time ago and the jobs it provided have been relocated elsewhere. Preventing this change of use would not bring an employment use back to this site

## **6.4 Distinctive & Natural Places**

### 6.4.1 Landscape/ Visual Impact

Converting this vacant building in the Conservation Area back to its original residential use would enhance the appearance and character of this part of the Chepstow Conservation Area. Removal of the institutional signage, removing the boarding from the windows and maintenance of the garden would all have a positive contribution to the visual appearance of the area and therefore accords with the objectives of Policy HE1 of the LDP.

### 6.4.2 Green Infrastructure

There are no need for GI enhancements as part of this application; the building has substantial grounds containing several TPO's that will not be affected by this change of use.

### 6.4.3 Biodiversity

There are no physical alterations to either the building or the grounds resulting from this change of use.

### 6.4.4 Water (including foul drainage / SuDS)

There are no alterations to the footprint of the building and no additional areas of hardstanding proposed. Neither foul nor surface water are affected by this proposal.

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

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



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

## **6.6 Conclusion**

The principle of using this building within the Chepstow Development Boundary, as a single residential property is acceptable in principle and conforms with the objectives of the relevant development plan policies.

## **7.1 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### S106 Heads of Terms

Financial contribution for affordable housing of £100,332

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

### **Conditions :**

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

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**Application**    **DM/2019/01049**  
**Number:**

**Proposal:** Conversion of rear of existing MCC store and welfare building into a public toilet with disabled access.

**Address:** MCC Store and Welfare Building, Mill Street Close, Usk, NP15 1AR

**Applicant:** Mr. Roger Hoggins

**Plans:** Location Plan - , All Drawings/Plans PL/01 - ,

**RECOMMENDATION: Approve**

Case Officer: Ms. Lowri Hughson-Smith  
Date Valid: 01.07.2019

**This application is presented to Planning Committee due to the application site being owned by Monmouthshire County Council**

**1.0 APPLICATION DETAILS**

1.1 The application site is a storage building and rest room used in association with County Council staff. It is located on the western edge of sports grounds at Maryport Street. The building is a flat roof structure with a roller shutter door on the front elevation (west) and a window to rear elevation (east). The building is finished in render and the windows are uPVC, coloured white.

1.2 The application seeks to change the use of part of the building (to the rear), which is currently used as a rest room for staff, into a public disabled toilet to be used in association with the Maryport Street sport grounds. The physical changes are minimal, relating primarily to internal works, but will also include a new door opening on the southern elevation, via the sports grounds, to provide access to the new toilet.

**2.0 RELEVANT PLANNING HISTORY (if any)**

None relevant

**3.0 LOCAL DEVELOPMENT PLAN POLICIES**

**Strategic Policies**

S17 LDP Place Making and Design

**Development Management Policies**

EP1 LDP Amenity and Environmental Protection  
DES1 LDP General Design Considerations  
NE1 LDP Nature Conservation and Development  
HE1 LDP Development in Conservation Areas  
SD3 LDP Flood Risk

**4.0 NATIONAL PLANNING POLICY**

**Planning Policy Wales (PPW) Edition 10**

4.1 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

4.2 The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Usk Town Council** - approve.

**Glamorgan Gwent Archaeological Trust** - No response received.

**Heritage Officer** - No adverse comments.

### 5.2 Neighbour Notification

1no. neighbour has objected to the application raising the following concerns:

- o The site is not suitable for additional traffic and parking;
- o The toilet is not well related to existing car park on Maryport Street, resulting in more car parking at the site, and not viable for a wheel chair user to access site from car on a wet day;
- o Suggestion made that the building should be demolished and repositioned adjacent to car park; and
- o Objects to toilet in proximity to property.

## 6.0 EVALUATION

### Strategic Planning/ Development Plan context/ Principle of Development

6.1 The site is located in the settlement of Usk and therefore, a presumption in favour of development exists subject to the acceptability of material planning considerations. In this case, the material planning considerations are:

- o Amenity/Promoting Healthier Places
- o Good Design/Visual Impact
- o Impact on Conservation Area
- o Impact on Archaeology Resource
- o Flooding
- o Biodiversity

### Impact on Amenity/ Promoting Healthier Places

6.2 Amenity and promoting healthier places in respect of the proposed development is considered important having regards to existing residential amenity and also the impact on persons using the building in the future.

6.3 In terms of existing residential amenity, the proposal includes limited external changes to the building, restricted to the insertion of a door to provide separate access to the new public toilet. The door is located on the southern elevation, facing into the sports grounds away from surrounding dwellings. There is a separation distance of 16m from the proposed door to the nearest dwelling along Mill Street Close and is separated by the building itself. Given the limited change to the building and it being located on the opposite side of the building to the surrounding dwellings, it is concluded that there would be no harmful impact on surrounding neighbours as a result of the physical changes.

6.4 The change of use will increase the usage of the building, essentially introducing a new use (1no. public toilet) as well as the existing uses (store and rest room). Despite the increased usage, the proposal is minor in scale providing a single public toilet for disabled use and therefore, will not have an impact on the amenity of neighbours to an extent that would be harmful.

6.5 The proposed use is considered to have an acceptable impact on neighbours in accordance with Policy EP1. In terms of future users, the proposed works will provide a disabled, public toilet to be used in association with the sports grounds. This is a positive contribution to the users of the sports grounds and would enhance the recreational benefits of the park that promotes the wellbeing goals of Planning Policy Wales 10.

6.6 The physical appearance of the building will largely remain the same. The only alteration, as discussed above, will be the insertion of a door on the southern elevation. The alteration will only be visible from within the sports grounds and no wider views. Given the limited changes, the proposal will have a negligible impact in design terms and in visual terms the building will be similar to its current appearance.

6.7 The visual impact is not considered harmful and the proposal accords with Policy DES1.

#### 6.4.3 Historic Environment

##### Impact on the Conservation Area

6.8 The site is located within the Usk Conservation Area. Policy HE1 requires development to preserve or enhance the area and its historic characteristics and meet the following criteria:

- a) preserve or enhance the character or appearance of the area and its landscape setting;
- b) have no serious adverse effect on significant views into and out of the Conservation Area;
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- e) pay special attention to the setting of the building and its open areas.

6.9 As discussed above, this proposal will result in limited changes (the insertion of a new external door) which will only be visible from within the sports grounds. The limited changes ensure there will be no harmful impact on the character of the conservation area and its significant views and vistas will be unaffected. The materials of the building will remain unchanged as a result of the proposal, aside from the new door which will be timber. The building is of low architectural quality and the proposed changes in the context of the setting of the building is not considered relevant to this proposal. The proposal meets the criteria of Policy HE1.

6.10 The Heritage Officer was consulted and raised no adverse comments in respect of the application. The proposal is acceptable in the context of Policy HE1 and will not have a harmful impact on the Conservation Area.

##### Impact on Archaeological Resource

6.11 The site is located within an area of archaeological sensitivity and, therefore, the impact on archaeology resource needs to be assessed.

6.12 No ground works are required to facilitate the development and most changes are primarily concentrated internally.

6.13 Due to there being no disturbance to the ground as a result of the development, no impact on archaeological resource is anticipated. The proposal accords with the requirement of PPW 10.

6.14 At time of writing this report, Glamorgan Gwent Archaeological Trust (GGAT) have not responded to the application. If GGAT respond, their response will be reported to committee as a late representation.

#### 6.4.6 Flooding

6.15 The site is in a C1 flood zone; a high-risk flood zone served by flood defences or infrastructure. Developments within C1 zones are required to be accompanied by a Flood Consequences Assessment (hereafter referred to as FCA). TAN 15 indicates that development, particularly highly vulnerable development, i.e. residential development, in 'C' flood zones should not be permitted unless fully justified in accordance with the tests contained in paragraph 6.2 of TAN 15.

6.16 The justification tests set out in paragraph 6.2 of TAN 15, which read as follows:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

6.17 The application site is brownfield land in accordance with the definition contained in PPW.

6.18 The proposed development facilitates the local planning authority to enhance the recreational value of the sports grounds (criterion ii) and the site is previously development land in accordance with PPW 10 (criterion iii).

6.19 In terms of potential consequence, the proposal results in no additional built form and limited to the change of use of part of the internal area, with the toilet footprint well below 20m<sup>2</sup>. Whilst the toilet is for public use it is not deemed to be fall within the scope of highly vulnerable development as described in TAN 15 since users of the building are able to choose whether they use the building in a flood event. Users, therefore, have a high level of choice as to whether they accept the associated flood risks. Given the limited amount of development and it not being considered highly vulnerable development, there is considered to be an insignificant impact

6.20 The proposal is considered to have a neutral impact in terms of flood risk and, therefore, the development is in accordance with Policy SD3.

#### 6.2.2 Access / Highway Safety

6.21 The proposed development is not likely to generate traffic and will provide a much needed facility to serve existing users of the Maryport Street sports grounds. Similarly, the proposal will not generate a parking requirement since the building is accessible directly from the park via a footpath.

6.22 The proposal has a neutral impact in terms of highway safety and parking and accords with Policy MV1.

#### 6.4.5 Biodiversity

6.23 The proposed building does not have an attic area and the building is highly illuminated. Furthermore, there are no works to the roof as part of the proposals. It is concluded that the property has limited potential for bats and no further information in respect of bats is deemed necessary. An informative relating to bats will be attached to the permission.

6.24 The proposal is considered to accord with Policy NE1.

6.25 An informative relating to bats will be attached to the planning permission to provide the applicant with advice on what to do should bats be discovered during works.

### **Response to the Representations of Third Parties and/or Community/Town Council**

6.26 A neighbour has objected to the application and made the following comments which will be addressed in turn below:

- o The site is not suitable for additional traffic and parking;
  - o The toilet is not well related to existing car park on Maryport Street, resulting in more car parking at the site, and not viable for a wheel chair user to access site from car on a wet day;
- and

- o Suggestion made that the building should be demolished and repositioned adjacent to car park; and
- o Objects to toilet in proximity to property.

The site is not suitable for additional traffic and parking;

6.27 The proposed use is not considered to result in additional traffic. The public toilet is to serve the sports grounds and, therefore, will provide a facility for persons who are already visiting the sports grounds. There is unlikely to any vehicle trip generation in association solely with the toilet.

6.28 The toilet is not well related to existing car park on Maryport Street, resulting in more car parking at the site, and not viable for a wheel chair user to access site from car on a wet day;

6.29 As discussed above, the proposed toilet is for use in association with the sports ground and will not likely generate car trips in its own right. The building is well related to the sports grounds located immediately off a footpath, ensuring the site can be accessed easily.

Suggestion made that the building should be demolished and repositioned adjacent to car park

6.30 The application is not for the demolition of the building and relocation and, therefore, we cannot consider this as an option in association of the application.

Objects to toilet in proximity to property.

6.31 As discussed above, the proposal includes limited external changes to the building, restricted to the insertion of a door to provide separate access to the new public toilet. The door is located on the southern elevation facing into the sports grounds, away from surrounding dwellings. There is a separation distance of 16m from the proposed door to the nearest dwelling along Mill Street Close and is separated by the building itself. There is not considered to be a harmful impact on surrounding neighbours as a result of the physical changes proposed.

6.32 The change of use will increase the usage of the building, but this is not considered to be harmful to neighbour amenity given the minor in scale of the proposal.

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

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

### **Conclusion**

6.34 The proposed development is minor in scale and not considered to have a harmful impact and accord with the relevant policies including Policy HE1, DES1, EP1, NE1, MV1 and SD3.

6.35 The proposal will have a positive impact in terms of promoting healthier places by providing a public, disabled toilet for the users of the sports grounds.

## **7.1 RECOMMENDATION: APPROVE**

### **Conditions:**

- 1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.



2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

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

3 The new proposed external door shall be of timber construction and remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

## **INFORMATIVES**

0 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

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