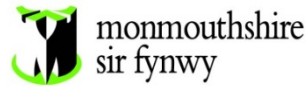


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 23 September 2019

Notice of meeting:

## Planning Committee

Tuesday, 1st October, 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 - 10
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DC/2017/01248 - Proposed riverside pavilion building, deck and river access structure (revised scheme). Chepstow Castle Car Park, Bridge Street, Chepstow.	11 - 24
4.2.	Application DM/2018/01071 - Provision of light industrial units with all associated works for use within B1, B2, and B8. Thompson & Thompson, Pill Way, Severn Bridge Industrial Estate, Portskewett Caldicot.	25 - 34
4.3.	Application DM/2019/00351 - Change of use to incorporate mixed use of self catering/serviced accommodation and use as an events and wedding venue. Woodbank, Glen Usk Road, Llanhennock, Monmouthshire.	35 - 54
4.4.	Application DM/2019/00595 - Change of use from a C3 dwelling house to C4 house in multiple occupation. 62 Chepstow Road, Caldicot, NP26 4HZ.	55 - 62
4.5.	Application DM/2019/00796 - Retention of existing buildings and amendments to roof structure and external elevations. Land At Bridge House, A48 Chepstow Garden Centre to Pwllmeyric Hill, Pwllmeyric.	63 - 72

<b>4.6.</b>	<b>Application DM/2019/00900 - Two-storey extension to side and two-storey and single storey extensions to rear. 60 Caldicot Road Rogiet Caldicot Monmouthshire NP26 3SG.</b>	<b>73 - 76</b>
<b>4.7.</b>	<b>Application DM/2019/00938 - Variation of condition 2 (to amend the design of the rear of the property) relating to DC/2015/01588. 34 Maryport, Street, Usk, Monmouthshire NP15 1AE.</b>	<b>77 - 84</b>
<b>4.8.</b>	<b>Application DM/2019/01034 - Construction of two new four-bedroom detached dwellings with ancillary works. Land adjacent to Caestory House, High Street, Raglan.</b>	<b>85 - 92</b>
<b>4.9.</b>	<b>Application DM/2019/01149 - Change of use of land for the keeping of horses and erection of stables. Land Adjacent Sunnybank, A48 Crick To Parkwall Roundabout, Crick, Monmouthshire.</b>	<b>93 - 104</b>
<b>4.10.</b>	<b>Application DM/2019/01186 - Addition of conservatory to Plot 2 of granted permission DC/2015/01588. 34 Maryport Street, Usk, NP15 1AE.</b>	<b>105 - 112</b>
<b>5.</b>	<b>Confirmation Report: Tree Preservation Order (TPO) MCC278 (2019) – Hollycroft, Midway Lane, Abergavenny.</b>	<b>113 - 182</b>
<b>6.</b>	<b>FOR INFORMATION - The Planning Inspectorate - Appeals Decisions:</b>	
<b>6.1.</b>	<b>24 Belgrave Road, Abergavenny.</b>	<b>183 - 186</b>
<b>6.2.</b>	<b>Land at Rear of Rosebrook, Watery Lane, Monmouth.</b>	<b>187 - 190</b>
<b>6.3.</b>	<b>Star Road, Nant y Derry, Goytre.</b>	<b>191 - 194</b>

**Paul Matthews  
Chief Executive**

## MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

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

### 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**

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

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

This meeting can be viewed online either live or following the meeting by visiting [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) or by visiting our Youtube page by searching MonmouthshireCC.

#### **Welsh Language**

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

# Aims and Values of Monmouthshire County Council

## 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 (revised version) (adopted July 2019)
- 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, 3rd  
September, 2019 at 2.00 pm**

**PRESENT:** County Councillor R. Edwards (Chairman)

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

County Councillor M. Groucutt attended the meeting by invitation of  
the Chair.

### **OFFICERS IN ATTENDANCE:**

Mark Hand	Head of Place-making, Housing, Highways and Flood
Philip Thomas	Development Services Manager
Craig O'Connor	Development Management Area Team Manager
Andrew Jones	Development Management Area Team Manager
Kate Bingham	Senior Development Management Officer
Louise Corbett	Strategy & Policy Officer - Affordable Housing
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

County Councillors: P. Clarke, A. Davies, D. Evans, M. Feakins 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 6<sup>th</sup> August 2019 were confirmed and signed by the Chair.

#### **3. Application DC/2016/01342 - Proposed conversion, extension and mansard roof extension of the property to form 21 residential units with onsite cycle and vehicular parking, refuse and amenity facilities. Newbridge House Tudor Street Abergavenny Monmouthshire NP7 5DH**

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

The local Member for Grofield ward had been unable to attend the Planning Committee meeting. However, her observations in respect of the application were outlined in late correspondence and highlighted by the Development Management Area Manager presenting the report.

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In light of the late correspondence received by the Department for Work and Pensions, and the consideration for compliance with Policy E1, it was recommended that the application be deferred to review the officer recommendation.

In noting the detail of the application the following points were made:

- The Business Insights Manager had raised similar concerns to the Department for Work and Pensions (DWP).
- Concern was expressed regarding the lack of parking provision.
- The Highways Department had objected to the application.
- Concern was expressed regarding whether the site was a sustainable location.
- The height and design of the application were a concern and considered to be inappropriate.
- The parking requirements are more in line with its use as a job centre as opposed to its use as residential accommodation.

It was proposed by County Councillor M. Powell and seconded by County Councillor R. Harris that consideration of application DC/2016/01342 be deferred to a future Planning Committee meeting to re-consider the officer recommendation in light of recent evidence regarding the continued employment use of the property and Local Development Plan Policy E1.

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

In favour of deferral	-	9
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2016/01342 be deferred to a future Planning Committee meeting to re-consider the officer recommendation in light of recent evidence regarding the continued employment use of the property and Local Development Plan Policy E1.

#### **4. Application DM/2019/00346 - Application for the approval of reserved matters (appearance, scale, layout and landscaping) for the development of 106 residential dwellings pursuant to outline permission DC/2016/00880. Orchard Lea, Gypsy Lane, Llanfoist**

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



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The local Member for Llanfoist, also a Planning Committee Member, outlined the following points:

- Concern was expressed regarding the status of the pedestrian links on the plans, in particular to the north western boundary of the site. This is not a path that is used frequently. If this is to be a viable and regularly used path, regular maintenance of the path will need to be undertaken.
- The siting of the coach house in the middle of the courtyard / parking area is considered to be inappropriate and a request was made for this to be revised.
- Concern was expressed regarding the use of Gypsy Lane with regard to excessive speed of traffic along this route. This route is already used extensively as a route to the south. Concern was expressed that there has not been any direct mitigation identifying how the Section 106 agreement might address this issue.
- The local Member asked that the Committee grants consent to consider removing the parts of class A to side extensions on plots where there is tandem parking to the side of a dwelling.
- Concern was expressed that the mass of the western cottages was excessive. This issue could be looked at again with agreement of the Delegation Panel.

In response to the issues raised by the local Member, the Head of Placemaking, Housing, Highways and Flood provided the Committee with the following information:

- Outline planning consent had been granted. The reserved matters had been presented to Committee for consideration.
- An existing public right of way runs along the rear of the development. There are no changes proposed to the right of way except for a link being created from the proposed development to improve connectivity.

The Development Services Manager provided the Committee with the following information:

- In terms of design, the Coach House and western terrace could be reviewed.
- With regard to permitted development rights, a condition could be added that the parking areas should be retained for parking provision which would prevent properties being extended onto these parking spaces.
- As this is a reserved matters application, vehicle use and traffic speeds along the B road cannot be considered as the principle of development has already been agreed. The Highways Department could look onto this matter outside of the scope of the application.

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In considering the application the following points were noted:

- It was considered that there was a need to reduce the speed limit along the length of Gypsy Lane.
- The terrace needs to be redesigned.
- Bus stop provision had been considered at the outline planning application.
- Electric charging points would have had to have been undertaken at the outline planning application stage via a Section 106 agreement.
- The fake chimneys make it more difficult to incorporate solar harvesting on the roofs. Protection of the fake chimneys would be detrimental to solar harvesting opportunities.

It was proposed by County Councillor M. Powell and seconded by County Councillor R. Harris that application DM/2019/00346 be approved subject to the eight conditions, as outlined in the report and subject to an additional condition to ensure parking spaces are retained at all times for parking use. Also, the long terrace be re-designed, the coach house unit in the parking court be reviewed and consideration be given to the removal of the fake chimneys. These amendments to be presented to the Delegation Panel for approval.

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

In favour of the proposition	-	8
Against the proposition	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/00346 be approved subject to the eight conditions, as outlined in the report and subject to an additional condition to ensure parking spaces are retained at all times for parking use. Also, the long terrace be re designed, the coach house unit in the parking court be reviewed and consideration be given to the removal of the fake chimneys. These amendments to be presented to the Delegation Panel for approval.

#### **5. Application DM/2019/00603 - Erection of a two-storey dwelling house. Land between Chapel Cottage and Gower Cottage, Glyn View, Tintern**

We considered the report of the application and late correspondence which was recommended for approval subject to the 15 conditions, as outlined in the report.

The local Member for St. Arvans, also a Planning Committee Member, was pleased with the number of conditions and informative notifications in respect of the application.

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In noting the detail of the application and the views expressed by the local Member, it was proposed by County Councillor A. Webb and seconded by County Councillor D. Dovey that application DM/2019/00603 be approved subject to the 15 conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/00603 be approved subject to the 15 conditions, as outlined in the report.

#### **6. Application DM/2019/00796 - Retention of existing buildings and amendments to roof structure and external elevations. Land At Bridge House, A48 Chepstow Garden Centre to Pwllmeyric Hill, Pwllmeyric**

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

The local Member for Shirenewton, also a Planning Committee Member, outlined the following points:

- The development has not been built to approved plans. The local Member thanked the Planning Officer for liaising with the applicant to make appropriate changes to improve the development making it more compatible with the existing street scene.
- One of the garages is not located in an ideal place. However, even if it were moved further forward it would not make a significant difference to the dwelling itself.
- In terms of the garages, the local Member is pleased that there is a condition in place to retain the garages in perpetuity.
- The local Member raised questions regarding the status of the garages in the original application and also regarding the materials to be agreed and the type of render being used.

Having received the report of the application and the views expressed by the local Member, the following points were noted:

- It was considered that the properties and one of the garages were acceptable. However, the other garage was unacceptable.

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- The Development Management Area Manager informed the Committee that the height of the garage in the current application was lower than the garage which had been originally approved.
- The type of render to be used could be agreed via the Delegation Panel or a condition could be set.
- The parking provision had not previously been conditioned on the previous consent. It was in accordance with the approved plans. However, this could be conditioned as remaining as parking provision in perpetuity.
- The local Member stated that the garages would be constructed from stone with the houses being constructed with stone and render, preferably soft render to remain in keeping with the street scene. A condition should be added to the original application with regard to the parking places.
- There was support for the Planning Officers in achieving the changes to the application. However, there were concerns regarding the location of one of the garages.
- The Development Management Area Manager informed the Committee that the height of the dwellings are lower than previously approved. Garages have previously been approved on this site which are higher than is currently being considered. The garages have less of an impact than previously approved.
- One of the garages is considered to be in the wrong orientation when driving into the site.
- In response to comments made, the Head of Placemaking, Housing, Highways and Flood stated that the application cannot be refused as it is not per the original plans. It can only be refused if it is considered that there is material harm being caused by what is now being proposed.
- It was suggested that consideration of the application be deferred to allow the Highways Department to investigate whether the changes are appropriate to allow vehicles leaving the garages to join the highway in a forward gear.
- It was considered that, in its current form, the relationship of the garages to the house and the street scene is detrimental in terms of appearance and character. It was suggested that the Committee could vote on whether to approve the houses. Followed by a vote to consider refusal of the garages.
- The Development Management Area Manager informed the Committee that the access arrangement is the same as was originally approved by Planning Committee. The local community had asked for the boundary wall to be reduced from two metres to one metre. Therefore, making the garages more visually prominent. The visibility splays have also been improved. Parking and turning provision remains the same as previously agreed by the Planning Committee.

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- The local Member stated that it would be preferable to have the garages rather than have a one metre wall.

It was proposed by County Councillor G. Howard and seconded by County Councillor A. Webb that a split decision be considered for the retention of the houses but not for the retention of the garages.

Proposal: retention of the houses:

In favour of the proposal	-	8
Against the proposal	-	0
Abstentions	-	1

The proposition was carried.

Proposal: Reconsider with the applicant the orientation, footprint and highways issues relating to the garages:

In favour of the proposal	-	4
Against the proposal	-	0
Abstentions	-	5

The proposition was carried.

A vote was undertaken for Planning Officers to liaise with the applicant regarding the garages. The Planning Committee resolved by a majority vote to undertake this proposal.

We resolved to defer consideration of application DM/2019/00796 to the next Planning Committee meeting. The revised house designs are acceptable but require the applicant to re-consider the garages by reducing the footprints and to consider re-orientating the roof lines.

#### **7. Application DM/2019/01032 - Domestic garage on previously approved site. Hillcrest, 14 Lansdown Road ,Abergavenny, NP7 6AN**

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

The local Member for Lansdown ward attended the meeting by invitation of the Chair and outlined the following points:

- This is the third application for the site.
- The first application had been refused on the grounds of overdevelopment.
- The second application had been approved as it had been a scaled back application with a condition that future permitted development rights be removed.

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- The current application aims to overcome this and defies the approval previously granted by Planning Committee.
- The dates on the plan for the garage are of the same time when Planning Committee previously granted planning permission in respect of future development on this site.
- It is considered to be growth on the site by stealth, being the third application for the same plot.
- The local Member quoted the decision made by Planning Committee in respect of the second application which had been approved which stated that there would be no enlargements, improvements or other alterations to the dwelling or any outbuildings shall be erected or constructed. If substantial extensions or alterations were necessary this development would not normally be considered. It was considered that this information was contrary to the current application.
- The Planning Committee should stand by the decision that had previously been made in respect of this dwelling and consider refusing the current application.

Having considered the report of the application and the views expressed by the local Member, the following points were noted:

- The application is not harmful to the site and setting with no immediate dwellings being located nearby that might be affected by a dwelling of this scale.
- The purpose of the condition of the previous application was to remove permitted development rights to prevent up to 50% of the curtilage to be covered with outbuildings.
- The design of the current application is pleasant and the plot is large enough for the proposed development.

It was proposed by County Councillor G. Howard and seconded by County Councillor M. Powell that application DM/2019/01032 be approved subject to the five conditions, as outlined in the report.

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

For approval	-	8
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2019/01032 be approved subject to the five conditions, as outlined in the report.

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### **8. Application DM/2019/01069 - Workshop extension to existing garage. 7 Graig View, Cross Ash, Abergavenny, NP7 8PG**

We considered the report of the application which was recommended for approval subject to the two 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 Councillor J. Higginson that application DM/2019/01069 be approved subject to the two conditions, as outlined in the report.

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

For approval	-	9
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2019/01069 be approved subject to the two conditions, as outlined in the report.

### **9. Amending Affordable Housing Financial Contributions in Accordance with the Adopted Revised Affordable Housing Supplementary Planning Guidance (SPG) (July 2019)**

We received a report regarding amended affordable housing contribution figures as outlined in Appendix 1 of the report, in accordance with the adopted Affordable Housing Supplementary Planning Guidance (SPG) (July 2019).

In doing so, the following points were noted:

- The financial contributions do not relate to onsite provision. This relates to seeking a financial contribution towards affordable housing provision. The information in the report refers to applications that are currently in the system with regard to legal agreements to be processed.
- Where there is a formula, these applications are for outline planning permission only. Therefore, the exact floor space of the dwellings is not yet known. The formula will be put into the Section 106 agreement. When the reserved matters application is submitted at a later date, the exact floor space of the dwellings can be identified which will help to identify the financial contribution.
- The formula for calculating the new financial contribution is:

Financial Contribution = Internal Floor Area (m<sup>2</sup>) x CIL Rate x 58%.

This refers to all internal floor space of the dwelling including hallways, stairs and any attached garages and not just the footprint of the building.

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We resolved to approve the amended affordable housing financial contributions as outlined within Appendix 1 of the report in accordance with the adopted Affordable Housing SPG (July 2019).

**10. Tree Preservation Order Appeal Decision 11 Chapel Mead, Penperlleni, Goytre**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been made on 5<sup>th</sup> August 2019. Site address: 11 Chapel Mead, Penperlleni, Goytre.

We noted that the appeal decision had been dismissed.

**11. New Appeals Received 20th June to 20th August 2019**

We noted the list of appeals received between 20<sup>th</sup> June and 20<sup>th</sup> August 2019.

**The meeting ended at 4.04 pm.**



**Application Number:** DC/2017/01248

**Proposal:** Proposed riverside pavilion building, deck and river access structure (revised scheme).

**Address:** Chepstow Castle Car Park, Bridge Street, Chepstow

**Applicant:** Thomas Evans Ltd.

**Plans:** FCA Thomas Evans - 2, Ecology Report Environmental Methods - May 2018, Heritage Statement Edward Holland - March 2018, Block Plan 177 120 - Proposed Lay out, Floor Plans - Proposed 177 123 - Proposed First Floor Pla, Floor Plans - Proposed 177 122 - Proposed Ground Floor Pl, Elevations - Proposed 177 131 - NE Elevation, Elevations - Proposed 177 132 - NW Elevation, Proposed Roof Plan 177 124 - Roof Plan, Elevations - Proposed 177 130 - SE Elevation, Site Plan 177 121 - Site Plan, Elevations - Proposed 177 133 - SW Elevation,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Young  
Date Valid: 24.10.2017

**This application is presented to Planning Committee due to the application receiving five or more objections**

### **1.1 APPLICATION DETAILS**

1.2 In 2007 planning permission was granted for a river cruise terminal on this site. This included a single storey building and a gangway to gain access to boats in the river. Following this approval, the process of detailed development focused on an improved means of gaining access to the river in order to board the craft. A revised proposal incorporating a set of precast concrete steps was approved as a minor amendment in June 2009. In 2012 an extension to the standard five years in which to commence the development was approved.

1.3 The current application seeks alterations to the terminal building, increasing its height to a two storey structure. The external decking area and an articulating gangway structure built into the River Wye will remain unchanged from the previously approved scheme.

1.4 The building would be situated in the existing Castle car park and would take up six car parking spaces. The site is within the Chepstow Conservation Area, an archaeologically sensitive area (ASA) and within the setting of a Scheduled Ancient Monument (Chepstow Castle). The site is also located on the edge of but within the Wye Valley AONB and within a flood zone. The River Wye is also designated as a SSSI and a Special Area of Conservation (SAC).

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DC/2012/00544	Variation of Condition No. 1 of Planning Permission DC/2006/01205	Approved	30.10.2012

DC/2006/01205	Proposed river cruise terminal and access gangway.	Approved	29.06.2007
DC/1980/00868	Parking Of 3 Mini Buses APP_TYP 01 = Full DEV_TYP 04 = Change Of Use MAP_REF = 342651200189	Approved	19.12.1980
DC/2017/01248	Proposed riverside pavilion building, deck and river access structure (revised scheme).	Pending Determination	

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

#### **Strategic Policies**

S5 LDP Community and Recreation Facilities  
S6 LDP Retail Hierarchy  
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  
S15 LDP Minerals

#### **Development Management Policies**

CRF1 LDP Retention of Existing Community Facilities  
RET4 LDP New Retail Proposals  
E2 LDP Non-Allocated Employment Sites  
SD3 LDP Flood Risk  
LC4 LDP Wye Valley AONB  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations  
HE1 LDP Development in Conservation Areas  
LC5 LDP Protection and Enhancement of Landscape Character  
M2 LDP Minerals Safeguarding Areas  
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

**Chepstow Town Council** - Members see the value of this business but would like to see the café sited elsewhere in Chepstow, for example on the Mabey Bridge site so that it does not impact on views of Chepstow Castle.

**Glamorgan Gwent Archaeological Trust** - The application area is located adjoining the Scheduled Ancient Monument of Chepstow Castle (Cadw ref: MM003) and within the Lower Wye Valley Registered Landscape of Outstanding Historic Interest, within character areas HLCA003 Chepstow. It is within the Medieval walled town of Chepstow and close to the main entrance to the 11th century castle. The recent Urban Waterfronts of South East Wales project identified the application area as being in a potentially important area of historic port and dock facilities and consequently any development in the area is likely to impact on the buried archaeological resource. A condition will require the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation. We envisage that this programme of work would be an intensive archaeological watching brief during any ground disturbing work.

**Cadw** - The Heritage Impact Assessment has followed the correct WG Guidance. The Assessment shows that the proposed development will be located in the significant views between Chepstow Castle and the Wye Bridge and of the Castle from the north back of the River Wye. The proposed development will be visible in the significant views from the Castle to the Wye Bridge, but will not block it and the building will be screened even in winter by existing trees. Consequently, the proposed building will have a very slight visual impact on this significant view. The proposed development will add an additional structure to the view from the Wye Bridge to the Castle. It will be seen along with the buildings of Travis Perkins and will therefore extend the range of modern buildings in the foreground of this view further to the east; however it will not block the view of the Castle which is at a higher level. We therefore consider that this will have a moderate visual impact on this significant view.

In the views from the north bank of the river, the development will be seen as a two storey modern structure in the existing flat car park. It will be at a lower level and will not block views of the Castle. It will also be separated from the Castle by the existing tall trees which have already added a vertical element into this view. We consider that this will have a moderate visual impact on this significant view. The proposed development will therefore have a visual impact on the significant views to and from the Castle; however it will not block these views and will be seen along with other modern buildings and with the movement of cars in the car park. Consequently, whilst it will have a slight adverse impact on the way the Castle is appreciated, experienced and understood this will not constitute a significant change and will not cause harm within the setting of the scheduled monument.

**National Resources Wales (NRW)** - we have considered the 'Chepstow Riverside Pavilion Flood Consequence Assessment' by JBA Consulting, dated February 2019 (Version 3). We acknowledge that the Flood Consequences Assessment (FCA) assesses the proposal against the full 75 years lifetime of development i.e. the risk up to 2094, accounting for the full allowance of climate change. Accordingly, the proposed finished floor level (FFL) of the building has been readjusted to 10.28m AOD. The current flood defences have a crest of 9.5m AOD. The FCA states that in the 0.5% (1 in 200 year) plus climate change, 2094 event, the predicted flood level for the site is 10.278m AOD. Based on the proposed FFL of 10.28m AOD, it is predicted that the building will be flood free during this flood event, and therefore compliant with requirements of A1.14 of TAN 15. The FCA states that in the 0.5% (1 in 200 year) plus climate change, 2094 event, the predicted flood level for the site is 10.278m AOD. Based on the proposed FFL of 10.28m AOD, it is predicted that the building will be flood free during this flood event, and therefore compliant with requirements of A1.14 of TAN 15.

If your authority is satisfied the risks and consequences of flooding can be acceptably managed, we request that a planning condition is secured to any permission granted stating that the

development must accord with the FCA and that finished floor levels are set no lower than 10.28 metres above Ordnance Datum (AOD) (Newlyn).

We have been in discussions with the developer regarding the potential impact from the development on the NRW maintained flood defence. To raise the standard of protection of the defence in future, whether by increasing the height of the existing embankment or by building a flood defence wall, the structure will have to tie into the proposed development. There does not appear to be any options for diverting the defence around the building.

### **MCC Biodiversity**

#### Ecological Considerations

The proposed development site is immediately adjacent to (café/terminal building) and partly within (funicular access structure) the River Wye SAC, and is within the 100m Zone of Influence buffer for the Wye Valley and Forest of Dean Bat Sites SAC, due to a supporting lesser horseshoe roost in Chepstow Castle. There is potential for significant effects to the SACs and therefore a Habitat Regulations Assessment is required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can grant permission for the project.

To inform this assessment two ecological assessments have been submitted:

Wye Valley Special Area of Conservation Proposal Significance Test, Revision 2. Produced by Hall and Bednarczyk, dated October 2017.

Ecological Information for the Test of Likely Significant Effects on the River Wye SAC. Produced by Environmental Methods, dated May 2018.

The assessments have provided sufficient information to complete the assessment. Using conditions to secure mitigation that has been embedded in the scheme (timing of works, method of piling) and standard pre-commencement conditions to provide a lighting scheme and Ecological Construction Method Statement, it is concluded that the project will not adversely affect the integrity of the protected sites.

Planning conditions are recommended by the Council Ecologist.

**MCC Highways** - No objection subject to the replacement of the six "lost" parking spaces.

**MCC Heritage Officer** - No objection.

The proposals consists of a new build structure situated to the rear of the carpark adjacent to the river. The site is inside the Chepstow Conservation Area, adjacent to the Scheduled Ancient Monument (Chepstow Castle) and within the setting of numerous listed buildings. The site is also within the archaeologically sensitive area and the Lower Wye Registered Historic Landscape. These designations show that the site has a sensitive and special historical character.

As the Castle is listed and Scheduled, the scheduling takes precedence and so the comments from Cadw address the impact on the Scheduled Ancient Monument(SAM).

Cadw has provided comments in relation to the impact on the SAM, and GGAT have commented in relation to the underground archaeology and impact within the ASA. Therefore it is the role of the LPA to consider the impact on the listed buildings and their setting, together with the impact on the character or appearance of the conservation area.

In relation to the impact on the setting of the listed buildings in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development is set to the rear of the car park, where the closest listed buildings (apart from the castle, which is considered as a SAM). The position of the pavilion set back into the site means that it is quite visually separate from the listed buildings along Bridge Street. The new building and the listed buildings would not be viewed together as the car park and associated paraphernalia provides a visual break. The setting of the town houses and villas would not be harmed by a structure to the rear of the car

park. Therefore the impact on the setting of the listed buildings is considered to be neutral and the proposal preserves the buildings special character and their setting.

In relation to section 72 of the above act, the proposals have been considered in relation to the impact on the conservation area. The site is within character area 3 of the Chepstow Conservation Area Appraisal adopted at Supplementary Planning Guidance in 2016. This part of the CA is characterised by the Castle and the immediate environs around the standing structures. The Castle occupies a prominent location on the edge of the river in an elevated position overlooking the lower portions of Bridge Street. Therefore it is a distinctive landmark for the town, especially when viewed from the river or from English river banks. Its prominence is enhanced by the size and scale of the standing remains with the distinctive towers including the outer gatehouse, great hall and great tower extending up the side of the banks. The proposed new building is set away from the Castle to the south, however it would be visible when viewing the Castle from the river or from the opposite side. The building has been designed to appear as a utilitarian structure set on the side of the riverbank, maintaining the current tree line which will soften the impact of the new building. Permission has already been granted for the erection of a building in the site, this application seeks a change in the design and height of the building. Therefore it is this element that is considered in relation to the desirability of preserving the setting or appearance of the conservation area. The amended design and the increase in height is not considered to fail to preserve the character or appearance of the conservation area when considering the current extant approval. The increase in height is not considered detrimental so as to warrant refusal as it not considered to be overly dominant or obtrusive in views towards the Castle. The design and position of the building have been carefully considered and justified in the Heritage Impact Assessment and therefore there are no adverse comments.

## 5.2 Neighbour Notification

Letter of objection received from 15 addresses.

There were concerns over the original application

Siting and design are not appropriate

Further facilities may be required in future such as a fuel bowser and floodlights

An excuse to open a new café which may open late

Noise and light pollution

Visual impact on the castle

An alternative location should be sought

Very dangerous for river boats

Café should not be considered without the boat trips

Placing any structure in the proposed location intrudes on the view of the castle when seen on entering lower Chepstow and Wales over the 200 year old five span iron bridge; cannot understand why the planners and CADW did not object to the original proposal on these grounds alone; this new submission now calls for a two storey structure which increases the intrusion on this view of the castle

No approval for the pleasure boat licence and no boats available

Need to first prove that the boat facility is safe and viable

Insufficient neighbour consultation

Who owns the river bank?

Adverse impact on the castle

Loss of parking spaces

Adequate food facilities available in Chepstow

Unused space in the TIC could be used

Area left in a messy state

A carbuncle on the river bank

Incompatible with the historic town

Commercial development should be sited closer to the railway station

Possibility that the venture will fail leaving it open to commercial exploitation

River Wye is dangerous in this location

Little detail about boat safety

Will lead to a drinks licence

Increased light and noise pollution

Increase in traffic  
This is a green site  
Contrary to policy S8 of the LDP  
High tides make the river cruise business unviable  
Little sunlight on the proposed decking  
Detract from the other food outlets in the area  
Adverse impact on Chepstow's iconic scene  
Building will be larger  
Unsympathetic finishing materials  
Proposed steps will have a huge visual impact  
Does not enhance the area  
Two story building will  
Impact on the AONB

One letter of support received:

Elegant Building  
Benefits to tourism  
More robust economic model  
Economic stimulus to Lower Chepstow  
Local businesses will benefit from higher footfall  
The proposed building is more self-effacing than its predecessor  
Visual enhancement to the area  
Investment in the local economy  
A forward thinking project

### 5.3 Other Representations

**Forest of Dean District Council** - Objects.

Loss of views from the district towards the Castle and the Old Wye Bridge.

**Tidenham Parish Council** - No comment.

## **6.1 EVALUATION**

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

#### 6.2.1 Principle of Development

Planning permission was granted for a single storey river cruise terminal on this site in October 2012 and was extant at the time that this current application was submitted. Although the LDP has been adopted since that time, the policies affecting this proposal are largely similar to those in the predecessor UDP. There has been no significant material planning changes since that approval. The main issue to consider in this case is the impact of a two storey building on this footprint rather than a single storey building. The footprint, decking and steps to the river have not altered from the approved scheme. The proposal is to provide a tourist facility in the historic centre of Chepstow.

#### 6.2.2 Good Design/ Place making

The approved building which measures 13m by 6m had an inverted roof that was a maximum of 3.7 metres in height. The building would have been finished in render and timber cladding with an aluminium standing seam roof. The current proposal measures 14m by 10m. It would have an eaves height of 5.4m and an overall ridge height of 8.5m. It is mainly clad in hardwood timber which will weather to a silver hue over time. The main issue in this case is the increased visual impact resulting from the proposed two storey structure over and above that of the approved single storey structure. A Heritage Impact Assessment was submitted as part of the application. The new proposal which is the subject of the current planning application occupies the same building footprint but is of two storeys and has a simpler pitched roof. The increased space created allows greater flexibility and better facilities for the visiting public.

The applicant's Design & Access Statement states that "the proposal is modest in scale and respects its historical location". The revised design is taller than that previously approved but this is partly a response to a requirement to consider flood prevention requirements. The pitched roof now shown is simpler than the previous winged roof and intends the structure to be read as a one and a half storey shed rather than a two-storey building. The summary of the Heritage Impact Assessment evaluated the magnitude of the impact of the proposed development in a number of different ways and has concluded that if it were implemented Chepstow Castle would remain predominant in all views throughout the surrounding area and its significance would be unaffected. Cadw has evaluated the Heritage Impact Assessment and assessed that the Heritage Impact Assessment has followed the correct WG Guidance. The Assessment shows that the proposed development will be located in the significant views between Chepstow Castle and the Wye Bridge and of the Castle from the north back of the River Wye. The proposed development will be visible in the significant views from the Castle to the Wye Bridge, but will not block it and the building will be screened even in winter by existing trees. Consequently, the proposed building will have a very slight visual impact on this significant view. The proposed development will add an additional structure to the view from the Wye Bridge to the Castle. It will be seen along with the buildings of Travis Perkins and will therefore extend the range of modern buildings in the foreground of this view further to the east but it will not block the view of the Castle which is at a higher level. Thus it is considered that this will have a moderate visual impact on this significant view.

In the views from the north bank of the river, the development will be seen as a two storey modern structure in the existing flat car park. It will be at a lower level and will not block views of the Castle. It will also be separated from the Castle by the existing tall trees which have already added a vertical element into this view. Cadw consider that this will have a moderate visual impact on this significant view. The proposed development will therefore have a visual impact on the significant views to and from the Castle, although it will not block these views and will be seen along with other modern buildings and with the movement of cars in the car park. Consequently, whilst it will have a slight adverse impact on the way the castle is appreciated, experienced and understood this will not constitute a significant change and will not cause harm within the setting of the scheduled monument.

The simpler design of the building means that it is more in keeping with the historical buildings in this area of the Chepstow Conservation area. The increase in height does not detract from the setting of the listed Castle because the proposed building is set at a lower level and partly screened from views into and out of the castle by the existing mature trees that are growing between the proposed site and the Castle. The proposal does respect the existing form, scale, siting massing and materials of its setting and the neighbouring quality buildings. The natural views and panoramas including the Castle, the River Wye Bridge and other buildings within the conservation area have been addressed in detail in the Heritage Impact Assessment and the proposal has been shown to respect these. The proposal will help to contribute to a sense of place and will enhance the appearance of this part of the carpark making a positive contribution to the historic area. The proposed building will use building techniques and design styles which will enhance this area and it has been designed to look similar to an historic boat shed. The design has been carefully thought through and accords with the objectives of Policy DES1 of the LDP and the design aspirations of PPW10.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

There are no residential properties directly adjacent to this site although there is a row of dwellings on the opposite bank of the river that face into this site. An assessment needs to be made on the additional harm to those residents as a result of the amended design of the building. The properties in Elmdale, face towards the river in the Forest of Dean and are approximately 140 metres from the site of the proposed pavilion. Although the occupiers of the properties in Elmdale will be able to see the proposed building and any light emanating from it, this will not have a significant impact given the intervening distance and the fact that approval has already been granted for a single storey building on the site. There are residential and commercial properties along Bridge Street in Lower Chepstow that are closer to the proposed building but these are at least 65 metres away and the intervening carpark already provides a degree of noise and disturbance. The proposal to increase the height of the building from one

storey to two will not result in any unacceptable harm to local amenity, health or well-being of local residents and therefore the proposal would accord with the objectives of Policy EP1 of the LDP. The proposal can be seen to be promoting healthier places by offering an outside recreational activity in the form of the river cruises. In addition the provision of a café can promote well-being by providing a location where people can socialise and interact which could help to reduce loneliness. The proposal therefore accords with the desire of PPW10 to promote healthier places,

#### 6.1.4 Sustainable Management of Natural Resources

The building, on the basis of its adoption of modern construction methods comprising air tightness and high levels of insulation will perform with significant thermal efficiency. The use of carefully selected and durable natural materials in their self-weathering state will create a building envelope that has low embodied carbon in its composition and helps to create natural habitats for flora and fauna.

In accordance with TAN22 guidance, the design proposed will incorporate a series of measures including:

Reduced Energy and CO2 emissions such as high performance insulation combined with an improved airtightness being integrated into the proposed structure design and construction.

The use of renewable and FSC traceable materials within the construction.

A-rated efficiency windows offering optimal levels of ventilation and natural daylight.

The incorporation of a new energy efficient mains gas operated boiler with underfloor heating for optimal efficiency of heating the building.

Low energy LED internal lighting.

Underfloor heating will provide day to day heating of the building.

A waste management methodology includes design strategies that provide on-site waste separation enabling recycling and storage for scheduled collection. Dedicated bin stores located in the utility room will facilitate this.

The building has been designed to reinforce the robustness of the flood defences that have been constructed in Lower Chepstow and is not considered to present a risk to human life of flooding from rivers or sea.

The scheme ensures that the site's ecological value is maintained and strategies adopted which protect habitats. No changes have been introduced below the deck level and the proposal is therefore consistent with the previously considered ecological impact.

Cycle racks are located in close proximity to the building.

The proposed building has been designed with finished floor levels raised well above the modelled peak flood level datum.

The footprint of the proposal maintains the position of that previously approved in relation to existing trees.

The design and construction of this building therefore included many of the principles of the Sustainable Management of Resources outlined in The Environment (Wales) Act 2016 and referred to in section 3 of PPW1 and is acceptable in this regard.

### **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. This site in the centre of Chepstow does occupy a highly sustainable location. Local residents can walk to the site and tourists who visit Chepstow can access the area by bus or by train.

#### 6.2.2 Access / Highway Safety



The proposal would result in the loss of six car parking spaces from the Castle Car Park. This is the same number that would have been lost under the previously approved scheme. The Castle Car Park mainly caters for tourists visiting Lower Chepstow in general and the castle in particular. The proposed building may also generate new demand for car parking spaces. The Castle car park has 99 allocated spaces for cars and 5 for coaches but it is rarely full. It is likely that many tourists visiting the Castle would also take a river cruise or use the café and therefore much of the demand for the spaces will be doubled up. On the previous application in 2006 it was concluded that "the overall economic benefit for the area as a whole from having this prestigious tourist facility will outweigh any potential problems caused by loss of parking spaces especially as the car park is rarely full." The existing access to the car park from Bridge Street would not be altered and the proposal would not generate a significant proportional increase in traffic over and above that which currently uses Bridge Street. MCC Highways have no objection to the proposal. The proposal would therefore accord with Policy MV1 of the LDP.

### 6.2.3 Retail & Commercial Centres

The site is located within the Chepstow development boundary but outside of the central shopping area as defined in Policy RET2 of the LDP. Policy RET4 of the LDP states that the preferred location for new retail, commercial and leisure developments will be in the designated central shopping areas. Where it can be demonstrated that no suitable sites exist in the CSA then sites on the edge of CSA should be considered before finally considering out of town sites. In this case the river cruise terminal needs to be located next to the river and this site has previously been considered acceptable for this activity. While not in the CSA it is close to the town centre in an area popular with tourists. The site adjacent to the Castle and the Tourist Information Centre is acceptable and will enhance the tourist offer in this part of the town. There are several other commercial properties in this area including several public houses. The siting of a café in this area would provide an additional facility for tourists in the area and would not have a detrimental impact on the vitality and viability of the town centre. The site is in a sustainable location close to the town centre and therefore will accord with the objectives of Policy RET 4 of the LDP.

PPW10 in section 4 states that the planning system must promote viable urban and rural retail and commercial centres in the most sustainable locations to live, work, shop, socialise and conduct business. It must also sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness and improve access to and within retail and commercial centres of all modes of transport prioritising walking, cycling and public transport. The provision of a café with a function room above will increase the choice of facilities for visitors to Chepstow encouraging tourism and will not directly compete with the facilities available in the town centre. The site is in a very sustainable location with easy access on foot and by public transport, The proposal therefore accords with the objectives of PPW10 to promote viable retail and commercial development in a sustainable location. PPW10 recognises the need for additional retail development and this site is the most appropriate location for this facility.

### 6.2.4 Community Facilities

PPW10 recognises that community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. Policy S5 of the LDP says that development proposals that provide community and recreational facilities will be permitted within and adjoining town development boundaries subject to detailed planning considerations. Therefore the principle of a new community facility in the location within the Chepstow Development Boundary accords with the objectives of PPW10 and Policy S5 of the LDP. The principle of a new community facility in this location has already been deemed acceptable through the previously approved scheme. The current application seeks to amend (increase) the size of the facility.

## **6.3 Productive and Enterprising Places**

### 6.3.1 Economic Development

PPW10 states in section 5 that wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. The siting of a café in this location will not only be attractive to tourists, it will also generate a number of jobs in catering and hospitality. Employment opportunities in this area of Chepstow have declined in recent years and this proposal will help to revitalise the tourist economy in Lower Chepstow. This increase in foot fall may also help other commercial enterprises in the area. Policy S8 of the LDP says that development proposals that seek to deliver the Council's vision for sustainable economic growth will be permitted particularly where they enable the continued development of key economic sectors such as tourism. The proposal accords with this objective by tapping into Chepstow's historical resource and encouraging economic growth through tourism.

### 6.3.2 Tourism

It is proposed that this facility be used by tourists and local residents. PPW 10 recognises that tourism can be a catalyst for regeneration and improvement to the built environment and says that the planning system should encourage tourism where it contributed to economic development. Planning authorities should adopt positive approach to tourist proposals which utilise previously developed or disused land particularly in relation to urban regeneration. Policy S11 of the LDP supports development proposals that provide sustainable forms of tourism. The provision of a new tourist facility in this sustainable location is compatible with the objectives of PPW10 and the LDP to promote tourism with its associated economic benefits.

### 6.3.7 Minerals / Waste

The site is located in a Minerals Safeguarding area for Limestone as identified in Policy M2 of the LDP but it is extremely unlikely that this area would ever be suitable for extraction due to its very sensitive location adjacent to Chepstow Castle and the River Wye.

## **6.4 Distinctive & Natural Places**

### 6.4.1 Landscape/ Visual Impact

The visual impact of this proposal especially in relation to the Castle and the conservation area have been discussed in great detail in section 6.1.2 of this report above. A Heritage Impact Assessment was submitted and this was considered by Cadw who agreed that the impact of the proposal was acceptable. The site area is very limited and only extends around the building itself and the decking area, and therefore there is no scope for addition landscaping. There is however extensive tree planting on the slope between the site of the proposed café and the castle. This will be unaffected by the proposal.

### 6.4.2 Historic Environment

The impact of this proposal on the historic environment of Lower Chepstow and the Castle has been discussed above in great depth.

### 6.4.5 Biodiversity

The proposed site is immediately adjacent to the River Wye SAC, and is within the 100m Zone of Influence buffer for the Wye Valley and Forest of Dean Bat Sites SAC, due to a supporting lesser horseshoe roost in Chepstow Castle. There is potential for significant effects to the SACs and therefore a Habitat Regulations Assessment is required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can grant permission for the project.

The proposed method of access to the river is a pre-fabricated system combining access steps with a twin railed funicular berthing platform. This had already been approved under the previous scheme and will not be affected by the current proposal to increase the size of the building.

Two ecological assessments have been submitted as part of the application to assist with the Habitats Regulations. The assessments have provided sufficient information to complete the assessment. Using conditions to secure mitigation and standard pre-commencement conditions to provide a lighting scheme and an Ecological Construction Method Statement, it is concluded that the project will not adversely affect the integrity of the protected sites. Therefore the Council's ecologist has no objection to the proposal subject to the imposition of conditions.

#### 6.4.6 Flooding

The site is located within a C1 Flood Zone as in TAN 15 "Development and Flood Risk". The site is located within the flood defences for Lower Chepstow. The applicants have submitted a Flood Consequences Assessment as part of the application. As a café and Tourist Facility the use of this building is classified as "less vulnerable". The FCA suggests that the building could be evacuated in times of extreme flooding and there would be no risk to life. NRW have considered the submitted FCA, which has been updated during the course of the application. They acknowledge that the Flood Consequences Assessment (FCA) assesses the proposal against the full 75 years lifetime of development i.e. the risk up to 2094, accounting for the full allowance of climate change. The FCA states that in the 0.5% (1 in 200 year) plus climate change, 2094 event, the predicted flood level for the site is 10.278m AOD. Based on the proposed FFL of 10.28m AOD, it is predicted that the building will be flood free during this flood event, and therefore compliant with requirements of A1.14 of TAN 15. The FCA states that the 0.1% (1 in 1000 year) plus climate change, 2094 event flood level for the site is 10.708m AOD. Based on the proposed FFL of 10.28m AOD, it is predicted that the building will flood to a depth of 428mm, and this is within the tolerable limits set out in A1.15 of TAN 15.

The FCA provides maps which demonstrate the mechanism of flood inundation at the site. These show flood waters overtop the flood defences after 18 hours. After one hour these flood waters start receding. The duration of the tidal inundation is likely to be 24 hours.

NRW are satisfied with the FCA and do not object to the proposal provided that the provisions of the FCA are complied with; this can be secured by condition ,and that the Finished Floor Levels are set no lower than 10.28m AOD. The submitted plans show that the FFL would be 10.28m AOD.

NRW have advised the developer that the building may have to be incorporated into the existing flood defence embankment at some point in the future. The updated FCA discusses this point further under 4.4 (Design finished floor levels) and states the developer 'accepts that if the flood defence is raised further, the structure will have to tie into the proposed Pavilion building'.

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

This application was submitted prior to the 7th January 2019 and is therefore exempt from the SuDS Regulations. Foul water will be disposed of by mains sewer.

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

The Town Council are concerned that the siting of this building will detract from views of the Castle. This is a very important issue which has been assessed in detail in the Heritage Impact Assessment any by Cadw. Cadw considered the impact of the proposal on views from and to the Castle and the Wye Bridge and concluded that the impact was only slight. This is discussed in great detail above. The majority of comments from local residents refer to the principle of this development, but this needs to be considered in the context that a similar proposal was approved on site in 2012. This current application related to increasing the height of the building. Some objectors referred to the height of the building, its impact on the Castle and the proposed finishing materials. The building will be clad in a continuous sheath of hardwood on the walls and the roof . The hardwood will weather down to a natural silver tone. This visually recessive material makes for an extremely low-key presence that avoids competing with the Castle and other buildings in the locality. The use of wood cladding is to have contextual links to traditional boatsheds which may once have been found in this area.

### **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 The principle of a river cruise terminal on this site has already been accepted through the previous planning approval. This current application seeks an increase in the height of the building. Cadw have carefully considered the Heritage Impact Assessment in relation to the proposed building and have no objection to it.

## **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 No development shall take place until the applicant or his agent or successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Planning Policy Wales (Edition 10, December 2018).

4 Finished floor levels shall be set no lower than 10.28mAOD to reduce the risk of flooding to the proposed development and future occupants.

REASON: To prevent flooding of the building in accordance with policy SD3 of the LDP

5 Timing Restrictions

No civil engineering or groundwork activities shall be carried out between the dates of 1st April to 30th August in any year.

Reason: To safeguard interest features of sites protected by The Conservation of Habitats and Species Regulations 2017.

6 Piling Methodology

No impact piling shall be used. Piles shall be installed using a low-vibration, rotary-bored method.

Reason: To safeguard interest features of sites protected by The Conservation of Habitats and Species Regulations 2017.

#### 7 Lighting Control

Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) lighting type, positioning and specification; and
- b) measures to minimise light spill from glazed areas.

The scheme shall be agreed in writing with the LPA and implemented in full.

Reason: To safeguard interest features of sites protected by The Conservation of Habitats and Species Regulations 2017 and protect roosting, foraging and commuting routes in accordance with Environment (Wales) Act 2016.

#### 8 Ecological Construction Method Statement

No development or site preparation shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include details of measures to safeguard protected and priority species during the constructions works. The content of the method statement shall include, as a minimum the:

- a) Purpose and objectives for the proposed works in relation to protection of identified species;
- b) Detailed working methods necessary to achieve stated objectives;
- c) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- d) Persons responsible for implementing the works.

The Construction Method Statement shall thereafter be implemented in full.

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

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**Application Number:** DM/2018/01071

**Proposal:** Provision of light industrial units with all associated works for use within B1, B2, and B8.

**Address:** Thompson & Thompson, Pill Way, Severn Bridge Industrial Estate, Portskewett Caldicot

**Applicant:** Messrs. Thompson and Thompson

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Young  
Date Valid: 02.07.2018

**This application is presented to Planning Committee due to the objection from NRW that this redevelopment is in a C1 Flood Zone and that the FCA has failed to demonstrate that the consequences of flooding can be acceptably managed**

### **1.0 APPLICATION DETAILS**

1.1 This application seeks the re-development of a large plot of land on the Severn Bridge Industrial Estate in Portskewett, which is a protected employment site (SAE2 within the Local Development Plan (LDP)). The site is currently used as a car dealership. The proposal would create a small unit industrial estate comprising a total of 13 units. The proposal includes the erection of nine new light industrial units, and the conversion of the existing car showroom to create four further units. The existing access from Pill Row would be closed up and a new one created. Car parking and landscaping would be provided throughout the site.

1.2 This application has been advertised as a major development and a Pre-Application Consultation (PAC) report has been submitted as part of the application. The site is located within the Caldicot Development Boundary, a C1 Flood Zone, a Protected Employment Site, a Source Protection Zone and an Archaeologically Sensitive Area. The application is accompanied by a Transport Assessment, a Design and Access Statement and a Flood Consequences assessment.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01071	Provision of light industrial units with all associated works for use within B1, B2, and B8.		Pending Determination

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

#### **Strategic Policies**

S1 Development Boundary  
S8 Enterprise and Economy  
S9 Employment sites Provision  
S12 Flood Risk  
SAE2 Protected Employment Site

## **Development Management Policies**

E1 Employment Land Protection

DES1 General Design Considerations

EP1 Amenity and Environmental Protection

EP3 Flood Risk

MV1 Development and Highway 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

**Portskewett Community Council** - No objection

**Glamorgan Gwent Archaeological Trust (GGAT)** - No Objection.

The site is located close to an old Roman road but the site has been the subject of considerable development. It is unlikely to be an archaeological restraint to the proposed development.

Natural Resources Wales (NRW) - (28/06/19) Object to the proposed development as the proposals do not evidence that the potential consequences of flooding can be managed to an acceptable level.

We note this additional information has been submitted in relation to our previous responses, our references CAS-76501-S0D1, CAS-65575-B8Y6, your reference DM/2018/01071. In these responses we raised significant concerns in relation to flood risk and protection of groundwater. We also provided a Statutory Pre-Application response for this proposal (our reference CAS-57070-B2T1, their reference CM/ALJ/2234) on 27 March 2018

#### Flood Risk

The planning application proposes less vulnerable development (light industrial units). Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the Severn Estuary and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood outlines of the Nedern Brook.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria i) to iii), then the final test iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level. We have reviewed the following additional information submitted in support of this application, email from Kate Young, Monmouthshire LPA, dated 10 June 2019 along with the updated FCA undertaken by ARK Ltd, Land at Severn Bridge Industrial Estate, NP26 5PU, dated October 2018. Our advice to you is that the additional information in combination with the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.



Tidal Flooding The predicted flood level for the 0.5% plus climate change flood event (2090) is 9.58m AOD. We note that FFL of 7.40m AOD is proposed for the light industrial units. Therefore, the proposed development is predicted to flood to a depth of 2.18m. With the addition of the full climate change data (2094) this figure will increase. All aspects of the proposed development site (within the red line boundary) should be designed to be flood free in the 0.5% plus climate change flood event. Therefore, the proposed development does not meet the criteria in A1.14 of TAN15. According to NRW modelled flood risk data, the flood hazard at the site during a 0.5% plus climate change event is predicted to be 'Danger for all - includes the emergency services'.

The predicted flood level for the 0.1% plus climate change flood event (2090) is 10.33m AOD. We note that FFL of 7.40m AOD is proposed for the light industrial units. Therefore, the proposed development is predicted to flood to a depth of 2.93m. This exceeds the maximum depth of flooding criteria in A1.15 of TAN15. With the addition of the full climate change data (2094) this figure will increase. Therefore, the proposed development does not meet the criteria in A1.15 of TAN15.

We advise that no information has been provided on the other criteria in A1.15, including the maximum velocity of floodwaters.

Nedern Brook - No assessment of the potential flood risk from the Nedern Brook has been undertaken within the FCA. We have stated previously that the site lies within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood outlines of the Nedern Brook. This brook may not only be tidally influenced. We would expect any assessment of the Nedern Brook to include an assessment of flooding elsewhere. The proposed development may alter flow routes across the site and may impact the neighbouring areas. Flood compensation may be required. We do not hold any flood risk data for the Nedern Brook.

#### Access/Egress

There is no flood hazard rating provided for the access/egress route for the site, but the FCA states depths of 1-2metres will be experienced to the west of the site (section 8.4). We would expect further details in relation to the access and egress for the site in the terms of hazard rating, depths and velocities. In summary we object to this application as submitted. TAN15 states that all aspects of the proposed development should be designed to be flood free in 0.5%/1% plus climate change flood events. Due to the significant depths of flooding predicted for the proposed development we do not consider the proposal can meet this requirement.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users

#### **MCC Highways** - No objection

The rationalisation of the multiple means of access as detailed on Drawing No. 2234/2 Proposed Layout is welcomed and will reduce access and egress conflict for all users of Pill Way and Lodge Way. The closure of existing access and the creation of the new access off Pill Way will require the applicant to carry out works within the public highway and to the satisfaction of the highway authority.

#### **Welsh Water** - No objection

Dwr Cymru Welsh Water can accept foul water only flows. The site is crossed by a public sewer. Conditions are outlined.

#### 5.2 Neighbour Notification

None Received

## 6.1 EVALUATION

### 6.2 Strategic & Spatial Choices

#### 6.2.1 Principle of Development

One of the Key Planning Principles of PPW10 is growing the economy in a sustainable way. It states that the planning system should enable development which contributes to long term economic well-being making the best use of existing infrastructure. It also encourages re-using previously developed land. Places which are productive and enterprising contribute to the seven goals of the Well Being of Future Generations Act and suggest that a Prosperous Wales can be achieved through the availability of employment land, amongst other things. In this case the site, which has previously been used for economic development is protected employment land allocated in the LDP and is located within an existing industrial estate. Planning Authorities are required to support the provision of sufficient land to meet the needs of the employment market and PPW10 requires that development plans should identify employment land and allocate an appropriate mix of sites to meet the need and provide a framework for the protection of employment sites. Paragraph 5.4.4 of PPW says that wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in development plans should be protected from inappropriate development. Effective planning for the economy requires directing development and investment to the most efficient and the most sustainable locations. The site for this development on the Severn Bridge Industrial Estate is a most suitable site for economic development and is protected employment land that has an existing employment use on it, namely industrial units and car sales. It is surrounded by other employment uses and is in close proximity to the centre of population so that employees would be able to walk to their place of work. The principle of upgrading this employment site, refurbishing the existing units and providing a range of new industrial units of varying sizes accords with the objectives of PPW10 to encourage economic development in sustainable locations and to protect allocated employment sites.

Policy S9 of the adopted Monmouthshire Development Plan seeks to ensure the provision of employment land and premises of an appropriate scale in sustainable locations and to protect existing sites. This is further reflected in Policy E1 of the Development Plan which seeks the protection of existing Employment Land. Policy SAE2(p) Identifies Severn Bridge Industrial Estate as one of the protected employment sites to be used by classes B1, B2 and B8 of the Town and Country Planning Use Class Order 1987. This site is located within the protected designation therefore the principle of allowing B1, B2 and B8 Use Class development in this employment site is supported in the LDP. The proposal is to refurbish the existing industrial unit and divide it into 4 smaller units. This will involve re-cladding the building and subdividing it. The rest of the site is used as a show area in association with a car dealership. The whole site is used to display cars for sale. The site has been used for employment generating activities and the proposal involves the creation of 9 new industrial units within the existing designated employment use site. The end uses of the units are not known at this time as the development is speculative but many job opportunities would be created as a result of these new units. The Council is committed to providing new job opportunities and the provision of these new and refurbished units on an existing designated employment site would help towards fulfilling that commitment. The development of these units would help to create job opportunities for the residents of Caldicot at this time of economic uncertainty. The proposal therefore accords with the objectives of PPW10 and Policies S9, E1 and SAE2p of the adopted LDP.

#### 6.2.2 Good Design/ Place making

The proposal involves re-cladding the walls of the existing building with silver grey steel cladding. The roof will remain as existing and some of the window and door opening are being moved. Units 6 to 9 will be housed in a building on the south west of the site adjacent to Pill Row and will measure approximately 40 metres long by 10 metres wide and by 6.7 metres high to the ridge. The walls will also be finished in silver grey steel cladding with a dark grey steel roof. There is provision for PV panels to be positioned on the south facing roof. There would be roller shutter

doors to the front of the building and personnel doors to the rear. Units 1 to 5 would be of a similar design and materials but would measure approximately 82 metres long by 15 metres wide and would be 7.3 metres in height to the ridge. On the Severn Bridge Industrial Estate there is a mix of industrial units surrounding the site, there is a range of sizes and styles with older brick built units and more modern ones finished in steel cladding of various colours. The design and finishing materials of the proposed and refurbished buildings is in keeping with the general character of this industrial estate and does respect the existing form, scale siting massing and materials of its setting. The proposal therefore accords with the objectives of Policy DES1 of the LDP

### 6.2.3 Impact on Amenity/ Promoting Healthier Places

There are no residential dwellings adjacent to this site, it being surrounded by existing industrial units. The new units can be seen to promote a healthier place in that the proposed units will incorporate some substantial landscaping providing a calm and tranquil space for future employees of the units. In addition these units are to be located within easy walking and cycling distance of the residential areas of Caldicot. This ability to walk and cycle to the place promotes healthier life styles and conforms to one of the key objectives of PPW10, that of facilitating accessible and healthy environments.

### 6.2.4 Sustainable Management of Natural Resources

The proposal, to renovate an existing unit and to build new units on existing employment land does contribute the objectives of PPW10 for the sustainable management of natural resources which includes land. An existing brown field site is being used rather than developing on a green field site. The fact that an existing building is being refurbished conforms with the idea of a more circular economy by re-using existing assets rather than building new units from scratch. The re-use of the existing building is supported. The existing site is considered to be appropriate for this type of development given that it is on an allocated industrial estate within walking distance of residential areas of Caldicot. The site already has a commercial use and is an area of hardstanding for the display of motor vehicles. The proposed landscaping scheme does introduce some landscaping, including trees, in an area where previously there was no planting. This therefore enhances the opportunity for ecology and biodiversity. The proposal does accord with the objectives of PPW10 for the sustainable management of natural resources.

## **6.2 Active and Social Places**

### 6.2.1 Transport - 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 journeys by private motor vehicles being the least desirable. The redevelopment of this site does help with sustainable transport issues as the Severn Bridge Industrial Estate is within easy walking and cycling distance of large residential areas thereby giving employees living in Caldicot the option to walk or cycle to work. The site is also in close proximity to Caldicot Town Centre thus giving the employees opportunities to access all the facilities of the town centre in a sustainable manner.

### 6.2.2 Access / Highway Safety

A Transport Assessment (TA) (Technical Report 47117/2 June 2018) was submitted as part of the application and it demonstrates that there is only a minimal impact as a result of the proposal on the adjacent network as the overall increase in floor area is modest. As such, based on a very modest level of network peak hour impact, there is no necessity to undertake any further assessments that would be disproportionate to the size of the redevelopment proposal. The TA concluded that adequate levels of car parking can be provided within the site such that there will be no potential for any vehicles associated with the redevelopment to be parked off site on the adjacent highway network, and that the site is accessibly located to allow for travel to the site by modes other than single occupancy car use. The Council's Highway Officers are satisfied with the findings of the TA and offer no objections to the proposal.

At present there are two vehicular accesses into the site from Pill Way and a further access off Lodge Way. It is proposed to close off the two accesses on Pill Way and to provide one, more centralised access on the Western boundary of the site. The existing access on Lodge Way will remain unaltered. The Council's Highway Officers welcome these changes as they will reduce access and egress conflict for all users of Pill Way.

It is proposed to provide 55 car parking spaces on the site. The adopted Monmouthshire Parking standards require operational and non-operational parking and this is dependent on the type of activity operating from the premises. As these units are speculative an exact calculation cannot be completed but having regard to the submitted Transport Assessment and having regard to adopted standards, Highway Officers are satisfied that sufficient off street parking is available to avoid the need for vehicles to park off site. As mentioned above, this site is in a highly sustainable location with many employees being able to access the site on foot or by cycling so there can be a slight reduction in the standards.

### 6.2.3 Retail & Commercial Centres

The site is currently being used for car sales which is a sui generis use. The site is not suitable for general retail, being on an industrial estate and policies would not support a general retail development from this site which could compete with the town centre and may adversely affect the vitality and viability of the town centre. The proposal accords with the aspiration of using Severnbridge Industrial Estate as a commercial centre.

## **6.3 Productive and Enterprising Places**

### 6.3.1 Economic Development

This has been discussed at length above in paragraph 6.1.1 of this report.

## **6.4 Distinctive & Natural Places**

### 6.4.1 Landscape/ Visual Impact

At present there is no landscaping on the site, it being just an area of hardstanding and one existing building. The proposal involves some tree planting within the car parking area and more substantial planting on the western boundary adjacent to Pill Way and also in the north east corner adjacent to the B road. Given that this is an existing industrial site within an existing industrial estate the landscaping enhancements are considered acceptable. A condition will be imposed to ensure that the planting is carried out in the first planning season and any trees that die in the first five years will be replaced.

### 6.4.2 Flooding

The site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the Severn Estuary and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood outlines of the Nedern Brook. A Flood Consequences Assessment was submitted as part of the application and this has been revised during the course of the application. TAN 15 defines General industrial, employment and commercial development as "Less Vulnerable Development". TAN 15 promotes a risk-based approach to planning through a sequential test involving location justification, type of development and flooding consequences.

Paragraph 6.1 of TAN 15 states, "Much urban development in Wales has taken place alongside rivers and in the coastal plain. It is therefore inevitable, despite the overall aim to avoid flood risk areas, that some existing development will be vulnerable to flooding and fall within zone C. Some flexibility is necessary to enable the risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas, and the benefits of reusing previously developed land. Further development in such areas, whilst possibly benefiting from some protection, will not be free from risk and could in some

cases exacerbate the consequences of a flood event for existing development and therefore a balanced judgement is required."

Paragraph 6.2 states that all other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- 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<sup>1</sup>; 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.

The FCA submitted by the applicant is summarised as follows:

The site is in a C1 flood Zone affected by fluvial flooding from the Nedern Brook which is approximately 165 metres to the SW of the site. The Nedern Brook does have tidal influences from the Rover Severn which is approximately 1km to the south of the site. The site is right on the edge of the C1 Flood Zone. The land adjacent to the site in the north is classified as Zone B. The proposal is for "less vulnerable development".

- o No works or new footprint within 165m of top of bank
  - o TAN15 less vulnerable industrial development is appropriate at this location
  - o No flood compensation considered necessary
  - o Reduces flood risk overall: new resilience & 10% increase in permeable areas
- A Flood Response Management Plan is included, which considers people would be safe in the event of the flood, principally by:
- o Not being at / avoiding the site during potential flood events using EA Flood Warning
  - o Having a clear procedure (response and evacuation route) for when on the site and there is the likelihood of flooding / inundation
  - o Knowing when it is safe and appropriate to return to the site.

Given the ability to employ a flood response management plan that avoids the hazard, together with suitable evacuation procedures, as long as the flood resilient measures are incorporated, users understand the flood response management procedures and sign up to and understand the Environment Agency (NRW) Flood Warning scheme, it is considered likely that the proposed development can be constructed and operated safely in flood risk terms without increasing flood risk elsewhere and is therefore appropriate development in accordance with the TAN15.

The FCA assumes that the site could likely flood in the future under varying flood events. It is intended to let the buildings flood in the case of an extreme event. The assessment therefore concentrates on the hazard rating and flood warning management including suitability of evacuation. This is to ensure that people would be safe in the event of the flood, principally by:

- a) Not being at the site during potential flood events
- b) Having a clear procedure (response and evacuation route) for when on the site and there is the likelihood of flooding
- c) Knowing when it is safe and appropriate to return to the site.

NRW have reviewed the amended FCA submitted by the applicant and object to the proposal because the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.

Tidal Flooding

The predicted flood level for the 0.5% plus climate change flood event (2090) is 9.58m AOD. We note that the FFL of 7.40m AOD is proposed for the light industrial units. Therefore, the proposed development is predicted to flood to a depth of 2.18m. With the addition of the full climate change data (2094) this figure will increase. All aspects of the proposed development site (within the red line boundary) should be designed to be flood free in the 0.5% plus climate change flood event. Therefore, the proposed development does not meet the criteria in A1.14 of TAN15. According to NRW modelled flood risk data, the flood hazard at the site during a 0.5% plus climate change event is predicted to be 'Danger for all - includes the emergency services'. The predicted flood level for the 0.1% plus climate change flood event (2090) is 10.33m AOD. We note that FFL of 7.40m AOD is proposed for the light industrial units. Therefore, the proposed development is predicted to flood to a depth of 2.93m. This exceeds the maximum depth of flooding criteria in A1.15 of TAN15. With the addition of the full climate change data (2094) this figure will increase. Therefore, the proposed development does not meet the criteria in A1.15 of TAN15.

#### Fluvial Flooding

NRW would also like the fluvial effects from the Nedern Brook to be taken into account but this is not included in the FCA.

#### Access/Egress

There is no flood hazard rating provided for the access/egress route for the site, but the FCA states depths of 1-2metres will be experienced to the west of the site (section 8.4). We would expect further details in relation to the access and egress for the site in the terms of hazard rating, depths and velocities.

#### MCC Evaluation of the Flooding Risk

The development needs to be demonstrate that it is justified under the tests outlined in paragraph 6.2 of TAN 15.

1. The proposal is regenerating an existing commercial site. The proposal is to upgrade this area of the Severn Bridge Industrial estate by recladding of the existing buildings and providing modern, fit for purpose units in place of the existing car sales yard. The proposal will include new landscaping in the form of tree and shrub planting that will reduce the area of hardstanding on the site. The proposal will regenerate this area of the industrial estate and provide job opportunities.
2. The site is located within a C1 Zone, in an allocated industrial estate, it is a protected employment site as defined in LDP policy. The regeneration of this site will definitely contribute to the key employment objectives by providing job opportunities in a sustainable brown field location.
3. The proposed redevelopment does concur with the main objectives of PPW10 as outlined above in the report and it does use previously developed land.
4. The potential consequences of flooding events have been considered in the FCA. In the worst case, the catastrophic failure of the tidal flood defences, the site could flood to a depth of 2.93 metres. This would be a similar case for many areas of Caldicot. While Officers agree that this depth of flooding would be unacceptable for new highly vulnerable residential development, it could be acceptably managed for a less vulnerable, commercial re-development on land that already has a commercial use and is surrounded by other commercial properties. The applicants have accepted in the FCA that in a catastrophic event they would evacuate the commercial buildings and let them flood. The occupiers of the buildings would sign up to the early warning system and have time to evacuate all of the buildings only returning when there was no longer a risk to life. Given that there is already a commercial use on the site and that part of this proposal involves refurbishing an existing building on a designated employment site, officers consider that the approach in the FCA is an appropriate one and therefore consider that the proposed redevelopment of the site can be justified through the application of the 4 tests.

**However, as the modelling carried out by the applicant is incomplete and does not adequately examine the flooding effects from the Nedern Brook and any potential flooding impact on other property if the development is carried out, the application is presented for approval - subject to the FCA being extended as requested by NRW and the conclusions from that work being considered acceptable. Member support of this recommendation would give the applicant the confidence to proceed further with the additional FCA work. It is understood that NRW are looking to provide some guidance on this matter for the applicant in terms of data.**

application may be called in by Welsh Government.

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

This application was submitted prior to the 7th January 2019 and is therefore exempt from the SuDS Regulations. Foul water will be disposed of by mains sewer and surface water will go to soakaway, there is sufficient land available within the site to accommodate this.

#### 6.4.4 De-risking (contamination issues)

This site has previously been used as a car park but there is no known contamination of the site.

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

There have been no objections from local residents or the community council. The only objection is that from NRW in relation to flooding and this issue has been addressed in detail above

**7.0 RECOMMENDATION: APPROVE subject to additional Flood Consequences Assessment work being undertaken to demonstrate that the risks of flooding in relation to the Nedern Brook and any impacts on third parties, are considered acceptable to the Council**

#### **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. Submission of landscaping condition.
4. Landscape implementation condition.

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**Application Number:** DM/2019/00351

**Proposal:** Change of use to incorporate mixed use of self catering/serviced accommodation and use as an events and wedding venue

**Address:** Woodbank, Glen Usk Road, Llanhennock, Monmouthshire

**Applicant:** Mrs Bess Asprou

**RECOMMENDATION: Approve**

Case Officer: Ms Kate Young

Date Valid: 07.03.2019

**This application is presented to Planning Committee due five or more objections being received.**

## 1.0 APPLICATION DETAILS

1.1 Woodbank is a large detached dwelling, sited in 20 acres on the banks of the River Usk. It currently operates as a dwelling offering private holiday lets with short term rentals for up to 20 guests. The application seeks the change of use of the property to a mixed use, incorporating self-catering and serviced accommodation and use as an events and wedding venue. The proposal, does not involve any external alterations to the property

The existing driveway would be utilised and additional informal parking provision would provide for up to 26 cars. A business plan and traffic assessment has been provided as part of the application. The venue could cater for up to 100 guests plus accommodation for up to 20 guests to stay in the premises. The business plan suggests that external food caterers would be used during the events. The property which covers three floors has seven bedrooms in total with leisure facilities in the lower ground floor. The function rooms would be on the ground floor. There is a long terrace at the rear of the property.

A Premises Licence and approval as a venue for marriages has already been obtained.

The dwelling is not listed and is not within a conservation area; there is however a SSSI to the southern part of the site and several trees protected by TPO's.

The application is accompanied by the following documents Planning

Statement

Ecology Letter (March 2019)

Noise Assessment (February 2019)

Business Plan (March 2019)

Trip Generation Assessment (March 2019)

Automated Traffic Count (ATC) Information (30 April - 6 May 2019)

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2019/00351	Change of use to incorporate mixed use of self catering/serviced accommodation and use as an events and wedding venue.	Pending Determination	
DC/2007/01352	Refurbishment and extension to existing dwelling.	Approved	08.09.2008

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

#### **Strategic Policies**

S5 LDP Community and Recreation Facilities  
S8 LDP Enterprise and Economy  
S10 LDP Rural Enterprise  
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**

RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside  
T2 LDP Visitor Accommodation Outside Settlements  
NE1 LDP Nature Conservation and Development  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
MV3 LDP Public Rights of Way  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
E2 LDP Non-Allocated Employment Sites

### **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**

#### **Llanhennock Community Council: Objects.**

##### **Highways Issues**

The existing highways network serving this location does not meet modern day highways safety standards, particularly where there is an intensification of use proposed.

The carriageway varies between 3.6 m and 4.8m and does not allow for the passing of two-way traffic in free flow conditions.

Forward visibility and junction visibility fall short of highways safety standards.

A three stage independent highway safety audit should be carried out at the site location and surrounding highway network from Caerleon to Woodbank, Wentwood to Woodbank and Usk to Woodbank as sat nav systems send vehicles from different directions, to the site.

There are no provisions for the safe access for pedestrian/cyclist movements to and from the site and therefore it is difficult to see how the applicant will achieve its travel sustainability requirements.

Given the Traffic Trip generation associated with such a function venue and the capacity and layout of the existing public highway serving as access to Woodbank - a full highway impact assessment should be carried out.

The access junction to Woodbank itself cannot achieve the minimum visibility splays in both directions and given its existing gateway access feature, would not be able to accommodate the swept path and manoeuvrability of larger vehicles associated with such a planning application venue.

There are no passing bays on the road to the venue; this cannot be rectified and does not lend itself to the volume of vehicles attending the venue.

#### Noise Pollution

This change of use will create significant noise nuisance for the residents of Llanhennock. Unreasonable noise levels will disturb many properties and businesses in the area i.e. a cattery business and farms based on the Glen Usk Road.

Noise disturbance will impact on and have a detrimental effect on wildlife in the area.

It would not be possible to contain any of the noise from guests, live music and music systems - given the number of windows, doors and large veranda at the property.

The level of noise disturbance will significantly affect the quiet, rural setting of Llanhennock.

Noise from current, lower level activities already disturb residents in neighbouring properties at unreasonable hours.

The noise nuisance would have a detrimental effect on the value of properties in the area.

#### Further Areas of Concern Include:

The car park is not sufficient for the private and service vehicles associated with such a venue.

The number of cars attending has been greatly under-estimated and does not correlate to the maximum guest capacity. This will result in cars parking and blocking the highway, compromising safety for highway users. This may include cyclists, walkers, horse riders, vehicles and farm vehicles - those living on and operating businesses on this road.

Detrimental impact on the local area.

Detrimental impact on the neighbouring properties.

The well-being of local residents will be adversely affected.

Detrimental impact on local businesses located on and/or accessed along the Glen Usk Road, in relation to noise and traffic. Eight of the businesses along the Glen Usk Road are active farms, which travel the lane with heavy machinery to access fields. An increase in traffic and vehicles parked on the lane will impact on work-flow and access to the fields and livestock. Livestock is regularly moved and walked along the road in both directions, to access fields. An increase in traffic will create a health and safety risk to road-users, farmers and livestock.

Over capacity - as there are already over 35 wedding venues already operating across the area.

Environmental issues not properly considered.

The impact on bats at the property has not been considered - given the activity, noise and lights associated with events and weddings. A new bat assessment / report is required, as the existing report is outdated and will not apply.

The River Usk is an Area of Special Conservation accommodating a variety of protected species, notably otters and badgers.

The application does not consider the impact on the Usk River in relation to toilet/sewage disposal. There will be a significant increase in volume of sewage produced on the site. The proposed septic tank is likely to be an inappropriate method of disposal.

Change of character to the rural area / countryside - as people have chosen properties (at a premium) in this area to embrace the quiet and beautiful surroundings, not to live close to a noisy 365 day corporate and wedding venue.

Likelihood of anti-social behaviour when guests leave the property on foot or are unable to secure taxis. There is limited police resource available in the area.

The Community Council are unsure if there is planning permission in place for current use of the property, as a holiday let.

The application contravenes the Local Plan and many areas of National Policy as the site is an unsustainable business proposal in an unsustainable location.

The Llanhennock Community Council Councillors voted unanimously against the application and request the application is referred to the Planning Committee, due to the significant number of concerns raised.

Please could you let me know when the Planning Committee will take place and confirm if one of our Councillors may attend the meeting, to represent the concerns of the Llanhennock Community Council?

**MCC Public Rights of Way:**

Public footpath no. 8 passes through the site and must be kept open and free for use by the public at all times.

**MCC Highways:** No objection

The highway authority acknowledge the submission of additional and supplementary information by the applicant.

With particular regard to the following;

- o Technical Note - Asbri Transport dated 01/05/2019
- o Drawing No. 3087/SK100/120/A Proposed Car Park Plan

**Existing Highway Network**

The ATC data provided in support of the Technical Note clearly demonstrates that the immediate public highway providing access to the proposal is what can be considered as a rural road with low traffic flows with average vehicle speeds for the locality and environment. The existing local highway network R107 (Glen-Usk Road) in the immediate vicinity of the proposal currently experiences two traffic flows of on average 141 vehicle per day with an average speed of 27.7 mph. No reportable accidents / traffic collisions have been identified on route R107 from its junction with Usk road and the proposed venue other than an unfortunate accident where a refuse operative fell from the back of the vehicle in 2007.

The highway authority therefore consider that the proposed change of use to an events and wedding venue with capacity for 100 guests as detailed by the applicant would not lead to a deterioration in highway safety or capacity.

**Means of Access**

There are no proposals to amend the existing means of access; the current access does not accord with current design standards but has operated in its current guise for a considerable number of years. The width and general arrangement is reasonable albeit that the existing boundary wall and gates would be better suited set back further from the carriageway edge providing opportunity for larger vehicles to negotiate the turn in and out and to pull off the highway when opening and closing gates, thus not obstructing the highway.

Visibility is what may be considered to be below current standards for a rural road that is subject to the national speed limit. Current ATC (Automated Traffic Count) data provided by the applicant demonstrates that the average vehicle speeds in the vicinity of the access are 27.7mph well below the maximum speed limit. Therefore the current access/junction and forward visibility available to both vehicles accessing and egressing the venue and those vehicles travelling the road is deemed acceptable in the circumstances considering the existing number, frequency, type and speed of vehicles travelling the route.

**Parking**

The technical note dated 01/05/2019 and Drawing No. 3087/SK100/120/A Proposed Car Park Plan indicate that 26 formal car parking spaces are to be provided in addition to the existing 15 spaces to the front of the property plus the opportunity to provide a further 30 parking spaces to the south west of the site.

The level of parking proposed by the applicant is more than adequate for the proposed 100 guests. The site benefits from an extensive hard landscaped courtyard to the front of the property,

that if not restricted by guest parking appears more than adequate to accommodate service vehicles and larger vehicles associated with the intended change of use. Therefore although not well demonstrated by the applicant the site has available space to accommodate the level of parking requirements for 100 guests and staff, etc.

The highway authority therefore do not object to the proposal on highway grounds; the highway authority as indicated do not consider that the proposed change of use to an events and wedding venue with capacity for 100 guests would not lead to a deterioration in highway safety or capacity.

However, it is recommended that if the planning authority are minded to approve the application then suitably worded conditions are attached to any decision notice to restrict the number of guests to 100 as proposed.

#### **National Resources Wales - No objection**

##### European Protected Species (EPS)

We note the letter from David Clements Ecology dated 1 March 2019 that bats are present within the application site. However, we are satisfied from the contents of this letter, that the proposal would not be detrimental to the maintenance of the favourable conservation status of the species present on site, and that the existing roosts or accesses should not be affected by the proposals. As such the proposals should not require an EPS licence.

##### Flood Risk

For your information, the location plan and the site plan show different application site boundaries. If the location plan is correct, then part of the application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within 1% (1 in 100 year) and the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river. However, we note that the area subject to flood risk appears to be woodland and it appears to remain as such under the proposal. As such (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks. Please re-consult us if you have queries regarding this aspect. The application site is not within a sewered area. We note it is proposed to dispose of foul water via a new septic tank.

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

#### **MCC Business and Enterprise:**

I first had contact with the owners of Woodbank in 2016 and note that the business has been offering high quality accommodation for at least five years.

I have had further conversations with them in recent months regarding their plans to establish Woodbank as a venue for weddings, celebrations and events and I recognise that expanding its offer will enable it to realise more of its potential.

One of the objectives identified within the current destination management plan for Monmouthshire is to encourage investment in the serviced accommodation sector, especially following development of the International Convention Centre (ICC).

Woodbank is well placed to benefit from the ICC and the proposed facilities for business visitors will help to meet the need for quality accommodation for ICC delegates. Furthermore, I understand that the Convention Centre has already indicated that they would like to include Woodbank as one of their partners.

### **MCC Ecology:**

No objection subject to conditions:

Protected sites

River Usk SSSI & SAC

Due to the proximity of the application site to the protected watercourse a Habitats Regulations Assessment (Test of Likely Significant Effect) has been undertaken considering these hazards:

1. Change in water chemistry(as the result of foul water);
2. Change in surface flooding(as the result of the carpark);
3. Disturbance (noise, lights, increased activity due to the use of the site as a wedding venue); and
4. Competition from non-native species (Himalayan balsam, giant hogweed and Japanese knotweed)

This assessment is required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can give consent for a project.

The Test of Likely Significant Effect considers all Interest Features that occur in Unit 1 of the SAC.

Based on the information provided, there is no evidence that there shall be a Significant Effect on Interest Features of the River Usk SAC. Matters relating to competition from non-native species, change in surface flooding, change in water chemistry and disturbance have been screened out of the assessment.

Please note that I was preparing a full Appropriate Assessment as it was my initial understanding that a new septic tank was needed. In light of the email from Asbri planning dated 4th September 2019, I now understand that there is an existing septic tank that will not need to be upgraded and therefore the hazard of Change in Water Chemistry was screened out of the assessment.

### Site of Importance for Nature Conservation (SINC)

Woodbank is immediately adjacent to the Ancient Semi-natural Woodland SINC of the same name which is also protected by a Tree Preservation Order (TPO). No works are proposed within the woodland but there is potential for indirect effects to impact in the woodland such as artificial lighting which can disrupt behaviour patterns and reduce breeding success of wildlife such as nesting birds. It is noted that lighting detail has been submitted to inform the decision and this shall be acceptable to reduce light spill on to the woodland.

### Confirmed Bat Roost

As part of the redevelopment application for Woodbank in 2009 a bat roost was identified in the building including two light sensitive species (lesser horseshoe and brown long eared bat). It has been confirmed that this is still present (see submitted letter from David Clements Ecology). The submitted letter provides the assessment of a bat ecologist on the likely impacts of the scheme on bats. As there are no internal alterations, the main risk to the roost is the addition of external lighting. The previous planning consent and licence for the redevelopment of Woodbank included restrictions associated with lighting. The new scheme should not contradict this and allow a dark corridor from roost access points to surroundings to be maintained. This is supported by the scheme ecologist in his letter. In addition to this, many of the trees around the car park could be used by the bats from the roost in Woodbank and also have bat roost potential and therefore, lighting here will need to be controlled too. It is noted that lighting detail has been submitted and this shall be acceptable to reduce light spill on to the potential bat flight lines.

### Potential Bat Roosts

Two trees are marked on plan for retention (cedar and willow) which is welcomed as they both have bat roost potential and have not had ecological survey. It is reasonable to assume that in order to formalise a car park, the trees are likely to need at least pruning as part of the implementation of the scheme. A method statement for these works which shall include a bat roost inspection needs to be secured via planning condition.

MCC Tree Officer:

I visited the site on Monday 5th August 2019.

My findings were that there is little constraint in respect of trees.

The main area of concern would be the possible requirement for one or more passing places on the main drive to cope with increased traffic to and from the site. If this is so then we would require technical drawings demonstrating that the passing bay or bays may be constructed without damage to tree roots.

There is a protected Cedar tree in the centre of the entrance drive to the proposed car park which, upon inspection appears to be in poor health and terminal decline. I would not object to the removal of this tree contingent upon a replacement tree being planted elsewhere on the site. There is also a mature Weeping Willow at the far southern end of the proposed car park below a retaining wall. This tree makes a significant contribution to the setting and should be retained.

Other than that, I feel that a simple tree protective fencing condition may be appended in the event of planning permission being granted.

### **MCC Environmental Health:**

I can advise that I have carefully considered this application.

I note the application form provides that foul sewage disposal will be to a septic tank and not to the existing drainage system. No further details have been provided of the proposed location of the septic tank etc., and I recommend that these are requested so that a fully informed comment can be made.

From a noise perspective, Officers of this section have been involved in recent months as a consultee of the Licensing Section with regard to a Premises Licence application related to events / wedding activities. The Noise Assessment dated 20th February 2019 was considered as part of the Licence application. A Premises Licence Ref PRM046 was granted on the 6th March 2019 by Monmouthshire County Council.

Given the rural nature of the premises, with a number of residential properties in the locality at 150 - 200m distance, there is clearly a concern that noise from activities particularly those involving music outside the main house, may be audible and give rise to disturbance. This is especially of concern during evening hours in summer months as background sound levels become lower and residents are more likely to be using garden areas and have windows open.

It is recommended that if planning permission is granted that it is subject to conditions in order to minimise the potential for disturbance to the nearest residents. These conditions are essentially incorporated in the aforementioned Premises Licence but it is also recommended they are also detailed in any planning consent as are integral in the considerations to the change of use propose.

### 5.2 Neighbour Notification

Letters of objection from 34 addresses:

High Traffic speeds

Dangerous, inadequate access

Cannot rely on marshals to control the traffic

The licence is for up to 200 guests

The additional information submitted does nothing to address the lack of detail in the application and vagueness about the proposals

Whilst the additional information has more clearly presented the application, it has added nothing to its substance other than to confirm that the access is extremely dangerous

The bat survey is out of date

No information about the proposed marquees



Noise and disturbance will be damaging to the Celtic Manor Resort and ICC  
There has been no planning approval for the change of use of a residential property to holiday lets  
Close to adjoining properties  
Inadequate parking provision  
Inadequate public transport provisions  
Increase in traffic  
Increased pollution  
Loss of privacy  
Noise nuisance  
Noise assessment is inaccurate  
Strain on existing community facilities  
Llanhennock is not suitable for a large scale entertainment venue in the vicinity  
The road network of small narrow lanes with tight bends are not suitable for large transport vehicles such as minibuses or coaches  
Out of keeping with character of area  
Events will take place in the summer and will conflict with farming activities  
Impact on ecology  
No arrangements have been made for staff parking and deliveries. The plans for guest parking are inadequate. The driveway is narrow and does not allow for turning if cars are parked along it or taxis dropping and picking up  
Devaluation of property prices  
Consequently, council tax revenues will fall as owners of affected properties will seek a reduction in their council tax band due to property deflation  
No provisions being made for the safety of pedestrians, cyclists and horse riders along the entire stretch of road fronting Woodbank and other residences  
The additional ATC data confirms that the speed of traffic coupled with very poor visibility in both directions at the entrance to Woodbank, continues to be of huge concern. This will be exasperated due to the number of people involved in the event both guests and workers and the fact that it will be late in the evening and therefore dark.  
Given the site is on the River Usk which is a Special Area of Conservation, why isn't there a detailed report on how noise and light will affect biodiversity  
The applicant is relying heavily on the 'economic benefits' argument, whilst there is no consideration to the negative impact this venture would have as a result of major road safety issues, excessive noise/light and lack of privacy for neighbouring properties  
Large Events are already taking place at Woodbank with loud music and microphones.

### 5.3 Other Representations

Carolyn Jones Planning Services

I act on behalf of the residents of Llanhennock Village in respect of their opposition to the development proposed by the above application. The application proposes the change of use of the property from a private holiday let to premises hosting events and weddings.

The property is currently operating as a holiday let for up to 20 guests. It has eight bedrooms and a car park which can accommodate up to 15 cars. Rental can be for short periods of two to seven days. The holiday let will still run alongside the proposed wedding and events operation. Although the application remains to be determined, it is noted that the property is already being advertised and promoted as a wedding venue.

I would initially question whether this application should be considered as a major application since the change in use extends to an area, parking included, of greater than one hectare.

Planning Policy

The determination of the application has to be assessed against the relevant planning policy context. This is defined by Planning Policy Wales (Edition 10 - December 2018), The Health Social Care and Well being Strategy and the Adopted Monmouthshire Local Development Plan. The current proposal is considered to be at odds with the objectives and principles defined within these policy objectives.

At the heart of the government policies are the principles of sustainable development. PPW also emphasises the need to maximise environmental protection and limiting environmental impact of developments. These principles need to be taken into account when the current proposal is assessed.

At a local level the policies of the LDP should carry considerable weight. In respect the following LDP policies are of particular relevance:

- o Policies 513 - Landscape, Green Infrastructure and the Natural Environment
- o Policies 516 - Transport
- o Policies 510 - Rural Enterprise
- o Policies - Place Making and Design
- o Policies RE6 - Recreation, Tourism and Leisure Facilities in the Open Countryside
- o Policies EP1 - Amenity and Environmental
- o Policies MV1-Proposed Developments and Highway

Considerations.

Detailed submissions in respect of the above policy have already been submitted by some residents and I do not propose to re-iterate the same arguments. However, in policy terms it is considered that there are major objections to be addressed and we, believe, cannot be overcome.

My clients object to the intensification of the use of the property and the change in the nature of the operation. There has already been a history of problems with noise and disturbance from only 20 guests staying at the property. The current proposal is intended to cater for up to 200 people. The proposed hours of operation are 8.00am to 1.30am for the weddings / events (2am on Christmas Eve/ Day & New Years Eve). The accommodation element of the proposal would be for 24 hours. These hours are totally unacceptable in a residential area and will have a detrimental impact on the peaceful enjoyment which the surrounding residents can reasonably expect.

Such an intensification of use raises major concerns in highway terms, both with regards to suitability of the surrounding highway network to cater for traffic, the increased traffic flows and inadequate parking provision. Indeed Monmouthshire County Council Highways have raised serious concerns over the proposal.

Access to the site is via narrow minor roads with limiting passing places, poor junction visibility and several blind corners. These narrow lanes cause particular concerns regarding night time traffic movements. The increase in traffic flows will not only be as a result of guests / event attendees but also from increased staffing numbers, commercial delivery vehicles and taxis and mini buses. The rural road network is not of an adequate standard to accommodate the proposed level of traffic flow. The horizontal and vertical alignment of the lanes are also prohibitive to the free flow of traffic within the immediate locality. Since the applicant does not own land alongside the access road, there is no scope for the creation of passing bays. It should be appreciated that traffic will be generated in surges as guests arrive and depart for specific schedules. Taxis are cited as a popular mode of transport - these will double the traffic to and from site as drivers return to their base for new fares and then come back for guests at departure. There are, therefore, serious concerns in respect of highway considerations, traffic flow and road safety.

There are two road approaches to the site - one from the west, which is 1,000m in length along a single track lane, whilst the other is from the east along 4,000m of single track lane.

Residents are aware that car satellite navigation systems will sometimes direct guests from the north of the county along this long tortuous route which is dangerous to those unfamiliar to the area.

The approach from the west necessitates traffic travelling up Llanhennock Hill, which should be a two way road, however, constant issues with potholes frequently renders this a single track lane road at certain points. Furthermore, Llanhennock Hill is accessed off the Usk Road, via a sharp junction which requires approaching traffic to cross carriageways, which is a particular hazard when numbers of vehicles are travelling in both directions. Similarly, traffic accessing Usk Road from Llanhennock Hill have limited ability to see traffic approaching, at speeds of 70 mph, from the north. Intensification of use is likely to result in serious road traffic accidents.

Access to the site is also deficient, as the entrance will only accommodate a single vehicle, resulting in other vehicles backing up on the highway as they approach the venue. A much wider entrance splay appropriate for the site is necessary and such works will alter and destroy the rural ambience of the area.

The provision for parking within the site is also of concern. The Trip Generation Assessment Report provided on behalf of the applicant states that 45 spaces will be provided. However, the existing 15 spaces plus the proposed 26 spaces only equates to 41 spaces. This is insufficient to cater for the scale of the proposed development. Parking will, therefore inevitably, spill over onto the driveway and other informal areas around the property to the detriment of access by emergency vehicles. The dimensions of the parking spaces also appear to be deficient in size. In addition no dedicated disabled parking spaces are provided. Additional operational details should therefore be provided by the applicant.

In highway, traffic and parking terms therefore there are many issues which the applicant needs to address and provide more robust and detailed information to support the proposals.

We have further concerns in respect of noise and residential amenity. There are several properties in close proximity to, and overlooking the application site which will be affected by noise emanating from the venue. Given that there have already been numerous incidents of noise nuisance in a quite rural area for a relatively low level activity (holiday lets) there is a significant prospect of a considerable increase in noise with a ten-fold increase in guests celebrating a wedding throughout the night on terraces overlooking private dwellings.

You will also be aware that the site borders the River Usk, which is a Special Area of Conservation. The river and valley are noted for their protected species - notably bats, otters and badgers as well as several riverine species. The bat survey falls well below expectation, the last survey being undertaken in 2007 with a brief letter providing additional comments. Furthermore, there are no other species investigations, which is surprising given the status of the site. The significant increase in human activity, particularly during the 'quiet' hours, is likely to have a substantial adverse impact upon local wildlife and in particular the protected species, due to lights, music, chattering, plus fireworks accompanying the celebrations.

It is further noted that foul drainage will be fed to a septic tank - no additional detail is provided. Clearly, there will be a substantial increase in guest numbers on the current situation, and with the potential increase in alcohol consumption there will be an increased demand in the foul water system to cope with such a situation, which would have a particular impact upon the adjoining SAC status river. Clarity needs to be provided on the ability of the site to contain all pollution eventualities.

In this respect the application is considered to be deficient in regard to the level of detail provided as to how the proposal will be operated. Consequently, the full impact of the proposal cannot be fully assessed.

For example,

o Is it proposed to utilise external marquees? If so this has major implications in respect of noise from the site plus disturbance implications from commercial traffic delivering such buildings, noise from the erection and dismantling of the structures plus noise and music from parties late into the night.

o The veranda of Woodbank faces directly onto adjacent residential properties. The use of the veranda should therefore be restricted.

o Similarly open doors and windows during summer evenings would be inevitable. The noise implications of this needs to be assessed, and in fact, should be restricted and controlled to protect the amenities of surrounding properties.

o Sound proofing measures and restrictions on hours (particularly on external use need to be imposed). Considerations regarding noise levels have been imposed on the Entertainment & Alcohol Licence. These must be adhered to and monitored by the Council.

In conclusion therefore, my clients (the local residents) have major concerns regarding the proposal. It is considered that the proposed use would have a severely detrimental impact on their living conditions. There are problems associated with the existing holiday let use. The intensification of the use as proposed is considered unacceptable and the proposal, at this rural location, should be rejected.

## **6.0 EVALUATION**

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

#### 6.1.1 Principle of Development

PPW 10 recognises that tourism can be a catalyst for regeneration and improvement to the built environment and says that the planning system should encourage tourism where it contributes to economic development. Planning authorities should adopt a positive approach to tourist proposals which utilise previously developed or disused land particularly in relation to urban regeneration.

Policy S11 of the LDP supports development proposals that provide sustainable forms of tourism and it is the Council's aim generally to support and encourage the growth of tourism within the County as it can be a catalyst for economic growth. PPW 10 says in paragraph 5.5.2 that the planning system encourages tourism where it contributes to economic development, conservation, rural diversification and social inclusion while recognising the needs of visitors and those of local communities. In addition to supporting the continued success of existing tourist areas, appropriate tourism related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors. PPW10 says that in rural areas tourism related development is an essential element in providing for a healthy and diverse economy and here development should be sympathetic in nature and scale to the local environment. It can be seen therefore that the principle of a new tourist development such as this events centre is encouraged by PPW10 but that a balance has to be maintained to ensure that the local area is not adversely affected.

The applicant has provided letters of endorsement from Welsh Government Head of Tourism: "Thank you for enquiry towards your proposals for 5 star serviced accommodation. Wales has too few luxury, high end serviced accommodation, and a key Welsh Government, Visit Wales strategic national tourism priority is to develop more of this product through both existing and new development.

Additionally, with the new ICC Wales opening in the next few months, your proposed facilities for business visitors will support the need for quality accommodation for ICC delegates."

There are also letters of endorsement from Wishes and Dreams, MCC Business Insights Manager, Monmouthshire Tourism and Visit Wales.

The advice from Welsh Government given in PPW10 would be to support new tourist development stating in section 5 that wherever possible, planning authorities should encourage and support developments which generate economic prosperity. The proposed events centre will not only bring tourists into the area, it will also generate a number of jobs in catering and hospitality. Policy S8 of the LDP says that development proposals that seek to deliver the Council's vision for sustainable economic growth will be permitted particularly where they enable the continued development of key economic sectors such as tourism. The proposal accords with this objective by encouraging economic growth through tourism. Policy S10 of the LDP allows developments that enable the diversification of the rural economy, outside settlement boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptable harm to the surrounding landscape, heritage biodiversity or local amenity value. Developments must re-use existing buildings where possible. In this case Woodbank is outside a settlement boundary in an area of open countryside and the proposed event centre would help with the diversification of the rural economy by attracting tourism to the area and providing for jobs in the hospitality sector. The proposal does not involve any new built development rather it proposed to use the existing dwelling. There would be no external alterations to the building which could affect the character of the landscape, the only external works would be the provision of additional car parking provision and this will have very little visual impact. Policy S11 of the LDP states that development proposal that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations. The proposal therefore accords with the objectives of both strategic policies S10 and S11 in the LDP. Policy RE6 reflects these strategic policies allowing development proposals for recreation, tourism and leisure in the open countryside provided that they are small scale and do not adversely impact on the local area, and again the re-use of existing buildings is preferable to new build.

Both PPW10 and the LDP support this form of development. The principle of an events centre is therefore acceptable in policy terms subject to an assessment of the suitability of this location, especially with regards to traffic generation, impact on residential amenity and ecology.

#### 6.1.2 Good Design/ Place making

The proposal does not involve any physical alterations to the building either internally or externally. Proposed ground floor plans have been submitted which alter the names on the rooms - for example the library would become a function room but the fabric of the building would be unaltered. The proposal does involve the provision of a new car parking area. The car parking area would be accessed off the existing driveway to the west of the property. It would measure approximately 42 metres by 17 metres and accommodate 26 cars. The surface of the car park would be permeable gravel or an equivalent surface and there would be low level bollard lighting outlining the perimeter. At present this site comprises raised, made up ground and looks as though it may once have been a tennis court within the garden of the property. In design terms the use of this land as a car park with a gravel surface is acceptable and will have little impact on the wider landscape. Further details of the lighting would be required before an assessment can be made of its impact in design terms. The current submission does not include any marquees or additional structures to be erected. To the north, west and south of the proposed car park there are mature trees which will help to screen the proposed car park from views in the wider landscape.

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

The closest properties to the site are those at Castle Mill; they are about 140m from the terrace of Woodbank and set at a much lower level. Pencraig Farm is approximately 200 metres to the north-west of the proposed car park and set at a higher level. There are approximately 13 residential dwellings within 0.5km of the site. The proposed event centre, especially wedding events, will inevitably generate a certain amount of noise and disturbance resulting from the playing of music

and traffic generation. PPW10 in paragraph 3.21 says that the planning system must consider the impacts of new development on existing communities and maximise health protection and wellbeing and safeguard amenity. Health impacts should be minimised in all instances. In such circumstances where health or amenity impacts cannot be overcome, development should be refused. Policy EP1 of the LDP says that development should have regard to the privacy, amenity and health of occupiers of neighbouring properties and developments that would cause or result in unacceptable harm will not be permitted unless it can be demonstrated that measures can be taken to overcome any significant risk.

An acoustic consultant was commissioned by the applicants to produce a noise assessment to assess the impact of potential music noise breakout during live and/or recorded music events and wedding celebrations held at Woodbank, upon existing residential receptors in the area. The noise assessment was commissioned for the Premises Licence and included an area to the north of the house where it is suggested that live bands and a DJ would operate from a marquee. This does not form part of the planning application. The scope of the noise assessment can be summarised as follows:

- o A sound monitoring survey was undertaken at the Site;
- o A detailed assessment of the noise effects arising from on-site activities, in accordance with relevant standards in respect of sound from the existing sources; and
- o Recommendation of noise management measures, where necessary.

The mitigation proposed for the house and the terrace was as follows:

- Internal music noise levels to not exceed a level of 95 dB(A), while patio doors are held open for ventilation.
- Patio doors to musical performance areas to be maintained in the closed position (as far as is practicable) after 23:00 hours.
- Music on the terrace area to be turned off by 00:30.

The noise assessment assumed that the use of the above external areas, excluding the house, would be limited to fifteen events per year, with no more than ten during the core summer months of July and August. The serving of alcohol and playing of music within the three areas will cease at 23:00, with any activity beyond this time being restricted to the house.

The conclusion of the noise assessment was:

"The assessment considers the potential effects of music noise generated at the premises; both within and around the house and within a proposed external marquee area, to the south-west of the house, on the basis of hypothetical, worst-case operating scenarios.

Consequently, a series of noise management measures have been proposed that can be incorporated into a Noise Management Plan and will ensure that the amenity of neighbouring receptor properties is not unduly affected."

MCC Environmental Health Officers have been involved in recent months as a consultee of the Licensing Section with regard to a Premises Licence application related to events / wedding activities and has assessed the Noise Assessment dated 20th February 2019. A Premises Licence Ref PRM046 was granted on the 6th March 2019 by the County Council. Given the rural nature of the premises, with a number of residential properties in the locality at 150 - 200m distance, there is clearly a concern that noise from activities particularly those involving music outside the main house, may be audible and give rise to disturbance. This is especially of concern during evening hours in summer months as background sound levels become lower and residents are more likely to be using garden areas and have windows open. They therefore recommend that if planning permission is granted that it is subject to conditions in order to minimise the potential for disturbance to the nearest residents. These conditions were essentially incorporated in the

aforementioned Premises Licence but should also be detailed in any planning consent as are integral in the considerations to the change of use proposed.

The problem, however, with these conditions are that many of them are unenforceable. The first suggested condition is that live and recorded music is permitted only within the house and adjacent veranda. This would exclude other outside areas which are not subject to this current planning application. As residential amenity is an important planning consideration, it would be pertinent to restrict live and amplified music so that it could only be played inside the property, in addition there should be no external speakers outside of the property which would be capable of playing music. In order to protect residential amenity for the occupiers of neighboring properties, a time between which live and amplified music could be played could be restricted by condition. The Premises License granted limits the level of noise to 95 dB within the house (while the doors are held open for ventilation) and 55 dB in the external areas along the access road and the garden). Given that these limits are set as part of the licence and monitored by Environmental Health Officers, it is not considered necessary to impose them as part of the planning application. As part of the license the total number of *external* events is being restricted to 15 per calendar year with no more than 10 external events being held during July and August. The planning application excluded any marquees and there will be no functions held exclusively outside. Again, given the control exercised by the licence it is not considered necessary for the planning permission to limit the number of external events. Consideration has been given to limiting the number of events in any calendar year which occur *within* the property but given the relatively low level of noise and disturbance resulting from events for up to 100 guests at any one time, there is no need to condition the number of events that can be held within a year. Moreover, control regarding excessive noise can be secured in that it is recommended that the event is limited to a capacity of no more than 100 guests and the overall hours of use are limited by a planning condition to be:

5. The premises shall not be used to hold functions between the hours of 01:30 and 08:00 on any day.

The Environmental Health officers then recommend conditions which can be considered as best practice but cannot be enforced as planning conditions. These included not standing around talking loudly, timing of deliveries to minimise disturbance and an approved list of live bands with regards to song choice and playing styles.

The noise assessment was considered by MCC Environmental Health Officers to be satisfactory and considered that it was based on the right assumptions. The Council's Environmental Health Department has advised that whilst there is the potential for disturbance at nearby residential properties from the proposed development, in particular from amplified music it is not in a position to substantiate a level of problems on which to base an objection. However given the potential for disturbance at nearby residential properties it is recommended that any granting of planning permission should be subject to the proposal being compliant with recommendations, including controlling the hours of operation and no music being played outside of the property. In addition the level of noise will be controlled by environmental health legislation.

While there would be some potential for noise disturbance from time to time resulting from events being held at Woodbank it is considered by officers that this can be acceptably managed by the imposition of conditions limiting guest numbers, the hours of operation and permitted noise levels. It is considered that the imposition of conditions would ensure reasonable levels of amenity are maintained for the local community. With these conditions in place it is considered that the development will comply with policies DES1 and EP1 of the Monmouthshire Local Development Plan.

## **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. The applicants propose that some of the guests would arrive by minibus or coach but in reality many guests will drive in private cars and taxis. Having said that, many event centres are located in remote rural areas, these often in association with established public houses or hotels. While Woodbank cannot be described as a highly sustainable location as preferred by PPW10, it

could not be described as remote and is an appropriate location for this form of business which requires a location that is spacious and in an attractive, often rural, setting. It is reasonably accessible in a sense that it is six miles (18 minutes' drive time according to an online route planner) from Newport rail station and thus, accessible by minibus or taxi which could be shared by several guests to reduce journeys to and from the venue. The anticipated trip generation and the ability of the local road network to accommodate this is evaluated below.

### 6.2.2 Access / Highway Safety

A Trip Generation Assessment was submitted as part of the application. It states that "Woodbank has previously been used for personal celebration parties/charity events with large numbers of guests, circa 150-200 people and vehicles (approximately 30-40) over the past 10 years."

The Trip Generation Assessment submitted by Asbri Transport states

"It is predicted that a typical wedding with 75 day guests and a further 25 evening guests would generate a maximum of 55 arrivals and 46 departures over the duration of a typical wedding day, totalling 101 vehicle trips (two-way) over the course of the day. It is predicted that the majority of visits will occur during the period 11:00-12:00, resulting in approximately 30 (two-way) vehicle movements per hour. The main impact of this will be on Glen Usk road from which Woodbank is accessed. It should be noted that the unnamed road the site is accessed off is a lightly trafficked rural lane and Asbri Transport consider that it will remain lightly trafficked in the 'with development' assessment scenario. Notwithstanding, the development would result in at most, up to a total of 30 vehicle movements during the busiest hour, which equates to around 1 vehicle movement every 2 minutes. The analysis sets out a worst-case scenario with all departures occurring during a single hour period which is unlikely to occur and departures will be spread out over a number of hours. It should be noted that the current use of Woodbank as a holiday let could generate any number of vehicle movements to/from the property generated by staying guests going out for the day, going for meals etc. As such, the proposed level of traffic movements generated by the proposed wedding venue may not be that much higher than possible movements generated by the extant use."

MCC Highway Engineers have evaluated the Trip Generation Assessment and confirm that Woodbank is situated on a rural road with low traffic flows. The increase in traffic resulting from the proposed functions would be relatively low and would not lead to a deterioration in highway safety or capacity. There are no alterations proposed to the existing access from the highway, the alignment of the access and the visibility from the access is below standard, however the access has been used for years without incident and the intensity of the use on particular occasions, i.e. when a function is occurring will not be so significant as to require reconfiguration of the access as part of the planning application. The applicant may wish to consider widening the access at some time in the future for the convenience of guests visiting but there is no justification for conditioning this as part of the planning application because MCC Highways offer no objection to the proposal.

### Parking

There are currently 15 car parking spaces at Woodbank to the front of the property which are accessed off a long private driveway. It is proposed to construct a new car park approximately 45 metres to the west of the house. The car park area would measure approximately 42 metres long by 17 metres wide and would provide 26 informal car parking spaces. There would therefore be a total of 41 car parking spaces provided within the site for guests and staff.

The submitted Trip Generation Assessment states that, "Car parking will be managed during any celebratory events held at Woodbank with marshals guiding vehicles to the car parking areas and being present at the site access junction to ensure safe passage into and out of the site. The car park is informal in its layout and will be surfaced for the most part in compacted stone or gravel and landscaped in order to maintain that informality and minimise its visual impact. Deliveries for the site will continue to operate under the same pretext as for the current operation on the site with delivery vehicles accessing into the site and refuse vehicles servicing from Glen Usk Road immediately to the east of the site access junction".

The applicants refer to an overspill car park for 30 vehicles. The position of this was not acceptable on ecological grounds and subsequently the overspill car park has been removed from the plans. There is sufficient parking provision for 100 vehicles in the site without the need for an overspill car park and the proposal accords with the adopted Monmouthshire Parking standards and also Policy MV1 of the LDP.



## **6.3 Productive and Enterprising Places**

### 6.3.1 Economic Development & Tourism

This has been discussed in detail at the start of the evaluation earlier in this report.

### 6.3.2 The Rural Economy

PPW10 states that a strong rural economy is essential to support sustainable and vibrant rural communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas. The advice in PPW10 therefore is that the establishment of new enterprises in rural areas is to be encouraged as it would increase local prosperity.

## **6.4 Distinctive & Natural Places**

### 6.4.1 Landscape/ Visual Impact

The grounds of Woodbank are already extensively landscaped and contain many mature trees, several of which are protected by Tree Preservation Orders. There would be no new built development on the site other than the car park. In the Trip Generation Report, the applicant states that the car park is to be landscaped and this can be requested by condition. The site is very well screened with mature trees and woodland surrounding the site. The proposed new car park will have very little visual impact on the wider landscape. There is a public footpath running to the north of the site. Woodbank will be visible from that footpath but little of the view will be altered as a result of this proposed change of use.

### 6.4.2 Biodiversity

In 2008 planning permission was granted for the refurbishment and extension of Woodbank and as part of that application a bat loft was created. As part of the current application an ecological report

was submitted. This survey, carried out in February 2019, found evidence to suggest that a small number of bats are using the bat loft but considered that the change of use application to intensify the use of the building would not affect the bat roost. NRW agreed with this saying, "that the proposal would not be detrimental to the maintenance of the favourable conservation status of the species present on site, and that the existing roosts or accesses should not be affected by the proposals. As such the proposals should not require an EPS licence." The use of the house as an events centre may not affect the bat roost but the provision of an additional car park and its associated lighting may impact on the bats.

The provision of the car park may affect some of the trees on site and these trees may have potential as a bat roost.

Many of the trees within the grounds of Woodbank are protected by Tree Preservation Orders. The Council's Tree Officer has visited the site and inspected the protected Cedar tree in the centre of the entrance drive to the proposed car park which, upon inspection appears to be in poor health and terminal decline. The Tree Officer would not object to the removal of this tree contingent upon a replacement tree being planted elsewhere on the site. There is also a mature Weeping Willow at the far southern end of the proposed car park below a retaining wall. This tree makes a significant contribution to the setting and should be retained. It is not proposed to provide any passing bays on the driveway and it is not anticipated that the increase in traffic using the driveway will not adversely affect the trees.

A Habitat Regulations Assessment has been carried out on the site by MCC Ecologist. Subject to conditions, the proposal would not harm biodiversity interests and would accord with LDP Policy NE1.

### 6.4.6 Flooding

None of the house, driveway or proposed car park are in a flood zone.

#### 6.4.7 Foul drainage

The agent has confirmed that there will be no alteration to the existing septic tank.

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

6.5.1 This is not a major application as the site area is under 1 hectare. The community council and local residents have concerns about the inadequacy of the local road network to support the proposal and consider that the increase in traffic could not be accommodated. This has been looked at in detail by traffic consultants and also by MCC Highway Engineers who could find no reason to sustain an objection. In terms of overall traffic using the roads, the increase of movements resulting from a venue with up to 100 guests and additional staff would not be so great as to have a detrimental impact. Local residents are of the view that the Trip Generation Report has underestimated the number of vehicles using the premises but MCC Highways concur with the calculations in that report. Noise pollution has been looked at in detail by MCC EHO's both at the time the Premises Licence was considered and also during the course of the planning application; while some noise will spill from the premises they feel that this can be effectively managed with the use of conditions.

The question of competition with other businesses in the area and the fact that it is perceived that there is an over-provision of wedding venues in the area is not a material planning consideration. The devaluation of property prices is also not material.

There were also concerns over the impact of the proposal on the ecology of the area. It is recognised that this is a sensitive site with a bat roost on the grounds and a SINCR surrounding the site. Both NRW and MCC Ecologists consider that the proposal would not be detrimental to the maintenance of the favourable conservation status of the species present on site, and that the existing roosts or accesses should not be affected by the proposals. The bat survey was commissioned when works to renovate and extend the property were proposed and the mitigation was to provide a bat roost on the site. This work has been completed and there is some evidence of bats using the roost. There is no need to provide a new bat survey as the current application does not involve any physical alterations to the house and the intensification of the use will not have a detrimental impact. The woodland surrounding the site is defined as an ancient woodland, but this proposed change of use does not affect the trees. The proposed car park is set outside of the woodland. The River Usk is approximately 160m from the dwelling it has been designated as a SSSI and a SAC; the proposal will not adversely affect the river.

It is recognised that the weddings are most likely to occur during summer evenings and this will coincide with the peak of farming activity but the scale and frequency of the wedding venue is not so great that it will curtail farming activities. Anti-social behaviour will be subject to the effective management of the facility and would also be a police matter.

### **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 The proposal to provide this wedding and events centre is supported by PPW10 which seeks to support rural enterprise, economic growth and job creation. LDP policies S11 and s10 also support rural enterprise and tourism. The economic advantages have to be balanced against the impact on the local area both in terms of residential amenity and the impact of the proposal on the local road network. These two issues have been looked at in detail by MCC officers including Environmental Health and Highways, and it is considered that there are no grounds to sustain an objection.

**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 (a) Underground services shall be routed clear of the trees to avoid root damage.

(b) Prior to building work commencing on site (including any demolition and refurbishment works), protective fencing shall be erected around each tree at a minimum radius from the trunk of the tree (or outer trees in the case of a group) equal to the canopy spread or half the tree's height, whichever is the greater.

(c) The fencing shall comprise a vertical and horizontal framework of scaffolding supporting a minimum of 20mm exterior ply or other robust man-made boards and shall be maintained for the duration of construction activity on the site. It shall be at least 2.4 metres high and constructed and erected in accordance with the recommendations published in British Standard 5837:1991.

(d) No storage of plant or materials, landfill, excavation, burning of materials cement mix shall be carried out within the protective fencing.

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with LDP Policy GI1.

4 The premises shall not be used to hold functions between the hours of 01:30 and 08:00 on any day.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

5 There shall be no more than 100 guests attending functions at Woodbank at any one time.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1 and to ensure highway safety in compliance with Policy MV1 of the LDP.

6. No pruning, lopping or felling of the retained cedar or willow trees shown on plan SK 1 00 / 110 B Proposed Site Block Plan prepared by Morgan 2 Morgan dated February 2019 shall be undertaken unless the LPA has approved in writing a method statement which considers both arboricultural and ecological interests of the trees. The method shall thereafter be implemented in full.

Reason: To safeguard trees of interest with potential for use by protected species and in accordance with LDP policy S13.

7. Live and amplified music shall only be performed or played within the house. There shall be no external speakers or live performances situated outside of the dwelling.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1

8. Live and amplified music is only permitted within the house and only between the times of 08:00 and 00:30 on any day.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1

9. Internal music noise levels within the house shall not exceed a level of 95 dB(A), while patio doors are held open for ventilation.) and music noise levels at NMP1 (access road) and NMP2 (edge of garden plateau), as marked on Figure 4 of "Inacoustic Noise Assessment dated 20th February 2019", to not exceed 55 dB LAeq,15-minutes at any time.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1

10. Notwithstanding the provisions of Article 3, Schedule 2, Part 4 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 marquees or temporary structures shall be erected without the prior written approval of the local planning authority.

REASON: In the interests of amenity as the use of these structures may lead to unacceptable disturbance to the occupiers of neighbouring properties and to ensure compliance with LDP Policy EP1.

**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 comfortably 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.

A cap on the number of occupiers (up to twelve people) has been agreed with the applicant to ensure the building is occupied and used in a manner that does not exceed its capacity and cause harm to residential amenity of the residents occupying both the premises and neighbouring dwellings.

#### 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 a negligible 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.

3. No more than twelve people shall occupy the building at any time.

REASON: To ensure the building is occupied in a manner that does not harm the amenities of the occupiers of the building or local residents.

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**Application Number:** DM/2019/00796

**Proposal:** Retention of existing buildings and amendments to roof structure and external elevations

**Address:** Land At Bridge House, A48 Chepstow Garden Centre to Pwllmeyric Hill, Pwllmeyric

**Applicant:** Mr Robert Bailey

**Plans:** Site Plan AL.03 - REV G, Floor Plans - Proposed AL.10 - REV A, Elevations - Proposed AL.11 - REV A, Floor Plans - Proposed AL.12 - REV A, Elevations - Proposed AL.13 - REV A, Location Plan AL.01 - , Garage Plans AL.15 - , Other Lighting plan AL04 - Rev A, Other Down lights - , Ecology Report - , FCA - , Green Infrastructure Appraisal - ,

## **RECOMMENDATION: SPLIT DECISION**

Case Officer: Mrs Helen Hinton  
Date Valid: 11.07.2019

### **1.0 APPLICATION DETAILS**

1.1 This application was presented to Planning Committee on 3rd September 2019 (a copy of the original report is reproduced below).

1.2 At that meeting Members resolved that they were of a mind to grant planning permission for the dwellings but refuse consent for the garages on the basis of mass, size and design and requested that discussions be held with the applicant to allow for a reconsideration of the orientation, footprint and highways issues relating to the garages.

1.3 Following consideration of the Members' request, the Agent has advised that the applicant was unwilling to undertake any further alterations to the application and has requested that the application be determined in its current form.

1.4 On the basis of the above, the following reasons are considered representative of the views expressed by Members:

1. The proposed garages, as a result of their mass, size, scale and design in conjunction with their positioning to the front of the dwellings are considered detrimental to the character and appearance of the application site and wider area, contrary to the requirements of policies S17 and DES1 of the Monmouthshire County Council Local Development Plan.

Members' concerns in relation to the reduced ability for vehicles to emerge from the site in a forward gear as a result of the 'as built' garages being larger than approved, are being explored with Highways and their comments and any relating reason for refusal, if appropriate, will be submitted for Members' consideration in late correspondence.

1.5 The following conditions are also recommended with regards to the dwellings:

1. Notwithstanding the details of the approved plans, the planning permission hereby granted shall only relate to the dwellings and not to the garages indicated on plan reference: AL.03 Rev G; and AL16 Rev C.

REASON: To clarify the extent of the planning permission hereby granted.

## **1.0 APPLICATION DETAILS**

1.1 The application seeks full planning permission for the retention of existing buildings on site and amendments to the roof structure, external elevations of the dwellings and boundary features and access.

1.2 As Members will be aware the site has an extensive planning history. In 2017 permission was granted for redevelopment of site in a phased manner to provide two dwellings; one prior to and one post demolition of the existing dwelling (application DC/2016/01308 refers). During the course of construction it has become apparent that the development has not been carried out in accordance with the approved plans with variations to the design, position and size of the dwellings on site.

1.3 The current application now seeks consent to retain part of the existing structures in terms of the garages and the position, width and depth of the dwellings whilst also making alterations to the external appearance of the dwellings so they are more in line with the previous and extant consent.

1.4 The dwellings proposed as part of the current application measure 9.7m wide, 13.2m deep with a maximum ridge height of 8.2m falling to 5m at eaves level. Relative to the previous approval the dwellings are 0.3m narrower, 1.8m shallower and 1.3m lower to ridge and 0.1m lower to eaves level. As developed, the dwellings are 3m and 3.4m further south-east (into the site, away from the A48) than the extant permission. The current application indicates that the dwellings would be finished with a cross gable roof design, to provide a ridge parallel with the highway and a front facing projecting gable feature (adjoining the northern, front elevation). Principal access to the dwellings would be provided in the eastern elevation of unit 1 and the western elevation of unit 2 (facing each other). The number of openings in the eastern elevation of unit 2 (adjacent to the property 'Wenvoe') would be reduced from four to two to serve an ensuite bathroom and a stair well.

1.5 Vehicular access to the site would be gained via a 5m wide, single point of access in the northern boundary, leading from the A48. Details submitted as part of the application indicate the provision of a 2.4m by 40m visibility splay. Parking would be provided on a forecourt area to the front (north) of the dwellings. The area is sufficiently large enough to accommodate three parking spaces per dwelling and an on-site turning facility.

1.6 The application also seeks to retain the garages as built. The garage associated with plot number 1 is irregular in shape and measures 8.3m wide, 8.6m deep with a ridge height of 4.8m sitting parallel with the A48, falling to 2.4m at eaves level. The building is positioned 0.6m further into the site than the previous approval. Relative to the previous approval the garage is 0.8m wider; 1.1m deeper, 1.3m lower to ridge and 0.5m lower to eaves.

1.7 The garage associated with plot 2 measures 7.5m wide, 6.2m deep with a ridge height of 4.5m falling to 2m at eaves. Relative to the previous approval the building is 0.9m wider; 0.4m deeper 0.8m lower to ridge level and 0.65m lower to eaves level. The ridge line of the building has also been turned through 90 degrees.

1.8 Amended plans submitted indicate that the northern boundary wall, adjacent to the A48 would be reduced to 1m in height from its previously approved 2m height and that a new boundary would be provided along the eastern elevation, on top of the existing wall.

1.9 Externally the dwellings would be finished with a combination of natural stone and render, a slate tiled roof and upvc windows and doors. The boundaries would be a combination of stone walls and timber fencing. The parking forecourt would be finished with porous block paving. As part of the development, it has been confirmed that the geology of the site is not capable of accommodating surface water soakaways; as a result crates/ tanks to store storm and surface

water have been installed beneath the rear gardens with an attenuated outflow to the adjacent stream.

1.10 The application site comprises a 28m wide, 48m deep parcel of land that formerly accommodated Bridge House, its garage and associated amenity space. The plot is positioned on the southern side of the A48, within the Village Development Boundary of Pwllmeyric, as identified by the Proposals Map of the Monmouthshire County Council Local Development Plan (LDP). Pwllmeyric is categorised as a Main Village within the LDP. Residential properties are positioned either side of the site - a large two storey dwelling known as Beckstone House to the west and a single storey bungalow known as Wenvoe. The dwellings further east of the site comprise single and two storey dwellings. The site is adjacent to Mouton Brook and is identified as being within the C2 Flood Zone as defined by the Development Advice Maps associated with Technical Advice Note (TAN) 15: Development and Flood Risk. The land to the south (rear) of the site is allocated as green wedge (LDP Policy LC6 refers).

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01883	Discharge of conditions 6, 7 and 9 from planning consent DC/2016/01308.		12.06.2019
DM/2018/02022	Variation of approved plans of planning consent DC/2016/01308:- Position and design alterations of all buildings		21.05.2019
DC/2016/00061	Redevelopment of site following demolition of existing house to provide one dwelling and engineering works to improve flood safety	Approved	30.09.2016
DC/2016/01308	Redevelopment of site in a phased manner to provide 2 dwellings; 1 prior to and one post demolition of the existing dwelling.	Approved	18.12.2017
DC/2015/00923	Redevelopment of site following demolition of existing house to provide 2 dwellings.	Withdrawn	31.05.2017
DC/2015/00128	Redevelopment of site following demolition of existing house to provide 3 dwellings.	Withdrawn	31.05.2017
DC/2016/00061	Redevelopment of site following demolition of existing house to provide one dwelling and engineering works to improve flood safety	Approved	30.09.2016

## 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  
SD3 LDP Flood Risk  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
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** - Concerns with regards to the front boundary wall, the position of the garage, adjacent to the A48 and the number on windows in the side elevations overlooking neighbouring dwellings.

**Highways** - Response awaited.

**Environmental Health** - Raise no objection

**Natural Resources Wales Environment** – Having considered the content of the FCA we have no objection to the retention of the dwellings on site.

**Natural Resources Wales Ecology** – We did not request the conditions with regards to Ecology and have no further comment to make

**MCC Ecology and Biodiversity** - Following the submission of additional reports, plans and information, no objections are offered subject to a condition requiring the development to be completed in accordance with the approved details.

### 5.2 Neighbour Notification



The application has been advertised by direct neighbour notification and the erection of a site notice. One letter of objection has been received and is summarised as follows:

House 2 impacts on both me and my neighbour at Wenvoe. The latest drawings show only two windows on the east elevation of the house finished with frosted glass. However during construction 4 windows have been included in the eastern side elevation, the largest of which is double to that the size as shown on the plans - these have a significant impact on my privacy. If the building is altered so that they appear like that in the plans (dated 28/9/18) then I have no objection assuming that frosted glass is used.

There has been no effort to replace the fence between Greystones and Building 2. Whilst a wall has been erected this is not high enough to retain any privacy or my dog. My wooden fence has been badly damaged and will need to be replaced.

### 5.3 Local Member Representations

On the 2nd July the Ward Member, Councillor Brown requested the application be presented to Committee with concerns raised with regards to highway safety, sustainable drainage, external materials and impact on the residential amenity of those living closest to the site.

## **6.0 EVALUATION**

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

#### 6.1.1 Principle of Development

The application site forms part of Pwllmeyric which is designated as a Main Village within the Monmouthshire LDP. Being within a Main Village the principle of further residential redevelopment is acceptable subject to the development satisfying detailed and material considerations. Furthermore the principle of providing two dwellings, garages and associated amenity space has been positively established by the granting of application DC/2016/01308 on 18th December 2017. Although the works on site are not currently compliant with the approved plans, the consent does remain extant and in theory the development could be brought back into line with that approval should the current application fail to gain planning permission.

#### 6.1.2 Good Design/ Place making

The buildings currently constructed on site are considered to be contrary to the requirements of policies S17 and DES1 of the LDP on the basis of their design being out of keeping with and detrimental to the overall character and appearance of the area and detrimental to the residential amenity of those living closest to the site as a result of the increased overlooking and loss of privacy that would be generated by the number of windows installed in the eastern elevation.

As part of the current application, negotiations have been held with the developer and their agents in an attempt to secure an amended design that overcomes the above concerns. It is considered that that application now proposes a design more in keeping with the original consent, with front facing gable features finished with natural stone cladding; a cross gable roof design that replicates the roofscape evident within the immediate context and a reduced number of openings in the elevations overlooking neighbouring properties. Access to unit 2, (adjacent to Wenvoe) would now be gained from the western (side) elevation adjacent to plot 1 rather than the eastern elevation (adjacent to Wenvoe) as previously approved thereby helping to reduce disruption and overlooking further. As a further benefit the dwellings now proposed are smaller than those previously approved. It is also proposed that the front boundary wall be reduced to a 1m in height, from its previously granted 2m height. It is felt that this alteration helps prevent the development being overly enclosed or austere in the street scene.

Although the site has been built up to make it compliant with requirements of the previously approved Flood Consequences Assessment, it is considered that on balance the revised scheme

would make a positive contribution to the street scene and is compliant with the requirements of policies S17 and DES1 of the LDP.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

It is considered that the plot is capable of accommodating two dwellings of the size proposed with appropriate off street parking and on site turning facilities and sufficient amenity space.

Although the approved scheme indicates the provision of two windows and front door in the eastern elevation of dwelling unit 2 overlooking Wenvoe, four windows serving the living room, reception at ground floor level and the landing and ensuite at first floor level have been actually constructed. It is considered that the existing and potentially the approved arrangement would have a detrimental impact on the residential amenity of those living closest to the site as a result of increased and intensified levels of overlooking, loss of privacy and disruption.

As part of the current application, it is proposed that the window openings in the eastern elevation of dwelling 2 be reduced to two. One would serve an ensuite bathroom at first floor level the other would be a leaded/ stain glass design serving the stair and landing. The western elevation of plot 1 overlooking Beckstone House would remain as existing with two windows at ground floor level serving a reception and living room and an ensuite bathroom and landing at first floor level. Although it is highly likely that the ensuite bathroom would be obscure glazed details of the glazing for the first floor openings could be secured by condition.

Whilst raising the ground level to bring the finished floor level in compliance with the requirements of the previously approved FCA has resulted in the development of large and prominent dwellings, this part of Pwllmeyric is characterised by a mix of housing types, differing in form and style with varied plot size.

In terms of the siting, the dwellings have been developed further back from the main road than previously approved. However the prevailing form of development features a staggered arrangement (in relation to the front building line and the overall height) of houses with a diverse scale and design, together with a variation in levels along this part of the village. Thus, there is no distinctive development pattern to which any new dwelling proposals ought to have regard.

It is considered that the amended design and mass relative to that previously approved and to the scheme that has been developed, would not be so out of accord with the mix of the development pattern and urban grain along this part of the A48/ Chepstow Road to warrant refusal of the application. The application is considered to be in accordance with the requirements of policies S17, DES1, and EP1 of the LDP.

## **6.2 Active and Social Places**

### 6.2.1 Transport - sustainable transport issues (Sustainable Transport Hierarchy)

It is highly likely that the development would be accessed via private car. However, there is a bus stop within 55m of the site and the development is within walking distance of the shops at the local petrol station and garden centre.

#### 6.2.1.1 Affordable Housing

It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should contribute to the provision of affordable housing in the local planning area although this is subject to the viability of each individual scheme. As part of the 2016 application, following the submission of a financial challenge and consideration of that in relation to the Three Dragons Viability Tool Kit, the application was found unviable to provide the sum requested. In light of the additional cost implications associated with the current application this situation remains the same. Furthermore in light of the Council's recent adoption of the revised Affordable Housing Supplementary Planning Guidance the scale of development proposed would fall within one of the exemption categories.

On the basis of the above, the application is compliant with the requirements of policy S4 of the LDP.

### 6.2.2 Access / Highway Safety

The plans submitted that vehicular access to the site would be gained via a single 5m wide opening in the northern boundary leading from the A48. A 1m high boundary wall would be provided to the rear of the 40m wide visibility splay that would be provided either side of that access. It has been determined that the forecourt area to the front of the dwelling is capable of accommodating at least 3 off street parking spaces per dwelling (with additional parking provided within the garages) and an on-site turning facility to allow all vehicles to access and egress the site in a forward gear.

Relative to the previous and extant consent it is considered that the current proposal would not generate an increase in traffic movements or demand for parking, detrimental to the highway safety and free flow of traffic in the area and is compliant with the requirements of policies S16 and MV1 of the LDP.

## **6.3 Productive and Enterprising Places**

### 6.3.1 Economic Development

It is considered that the provision of additional housing within relatively close proximity of one of the Council's main towns could have a beneficial impact on the economic development of the area.

## **6.4 Distinctive & Natural Places**

### 6.4.1 Landscape/ Visual Impact

As part of the previous consent, the approved FCA detailed the site levels being increased to remove the dwellings out of the C2 flood plain. These works have been undertaken with current topographical studies confirming compliance. As a result, the dwellings previously approved and developed do appear tall in the street scene. However, following the submission of a street scene and ridge height analysis, the developments would be in accord with the ridge height of Beckstone House to the west.

Although the development is visible from the land to the rear which is allocated as Green Wedge, it is considered that the enclosure provided by Mouton Brook which wraps around the rear of the site would prevent any further intrusion of domestic features into this area.

Based on the above, and being mindful that the dwellings now proposed are smaller than those previously granted consent, it is considered that the development would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application. The development is considered compliant with the requirements of policies S13, S17 DES1 and EP1 of the LDP.

### 6.4.5 Biodiversity

A number of ecological studies, plans and details have been submitted in support of the current application. The Council's Ecology and Biodiversity Team has raised no objection to the positive determination of the application subject to the key details forming part of the approved plan condition.

### 6.4.6 Flooding

The site is located within the C2 Flood Zone as defined by the Development Advice Maps of Technical Advice Note (TAN) 15: Development and Flood Risk. In light of recent planning appeals,

if this were a new application for the development of additional dwellings the proposal would fail. However, it must be acknowledged that the applicant could in theory revert the development back to be compliant with the previous consent. As part of the previous application, Natural Resources Wales provided the following comments:

"Initial concerns over flooding have been addressed and we no longer object to the planning application. The FCA satisfactorily demonstrates that there is likely to be sufficient flood storage upstream of the proposed development site (as indicated on page 4 of the FCA) and, that flood waters are not predicted to overtop the existing riverbank (left bank looking downstream) with a blockage scenario on the existing A48 bridge. This removes the likelihood of the overland flood flow developing during an extreme 0.1% (1 in 1000 year) event which has previously been established in earlier FCAs to affect the site in question. The reason for this is there is sufficient and natural floodplain storage upstream of the A48 Bridge that will accommodate such extreme flows and will reduce the impacts of flooding at the bridge and the proposed development site. NRW consider that the development will not lead to an increase in flooding elsewhere post development. Since the engineering works in relation to flood mitigation have already been completed on site, NRW has no request for any additional conditions and there is no objection to the proposal on flooding grounds."

Engineering works in relation to flood mitigation were approved as part of application DC/2016/00061. Works to increase the level of the site, in accordance with the previously submitted and approved FCA have also been carried out.

Whilst a new independent standalone application for an increased number of dwellings on the site would now fail, in light of the previous consent and the works that have been undertaken in accordance with the previously approved details, it is considered that the development proposed would not be at risk of flooding. In addition it would not cause or exacerbate flooding matters further downstream. The application is therefore considered compliant with the requirements of policies S12 and SD3 of the LDP.

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

As the current application was submitted and made valid after the 7th January 2019, there will be a requirement for the developer to accommodate sustainable urban drainage into the scheme. As part of the current application it has been confirmed that the geology of the site is not capable of accommodating a soakaway system to deal with surface water run-off. As a result, the developer has indicated that the forecourt area would be surfaces with permeable block pavings with a channel network beneath that would lead to water tanks and crates that have been installed in the rear garden with an approved attenuated outflow into the adjacent stream, the licence for which has been granted by NRW. An advisory note with regards to SuDS could be placed on any grant of consent.

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

6.5.1 Following consultation Mathern Community Council has raised an objection to the application on the basis of the height of the front boundary wall, the position of the garage, adjacent to the A48 and the number of windows in the side elevations overlooking neighbouring dwellings.

Following negotiations the application now indicates the development of a 1m high stone boundary wall on the northern boundary adjacent to the A48 (reduced from 2m) and a reduced number of windows in the eastern elevation of unit two overlooking the neighbours. Whilst concerns regarding the garage are noted, the plans submitted relative to those previously approved indicate that the garage has been developed 0.6m further into the site than the previous approval and although larger in its width and depth, it is lower to ridge and eaves height.

With regards to the concern raised by the neighbour, it is considered that the amended elevations help to overcome concerns with regards to increased overlooking, subject to a condition requiring the windows to be obscure glazed. Although the proposed site layout plan indicates the provision

of a fence on top of the boundary wall along the south-eastern boundary of the plot, no details have been supplied, therefore a condition to secure the details will need to be imposed in the interests of protecting the amenity and privacy of those living adjacent to the site.

## **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 On the basis of the above report, it is considered that the amended plans submitted would create two dwellings on site that would not be significantly detrimental to the overall character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic along the A48. The application is therefore considered to be compliant with the relevant policies 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 The windows serving all the bathrooms, en-suites, stairwells and landings shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

3 Before the approved development is first occupied the access shall be constructed in accordance with the approved plan.

REASON: To ensure the access is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

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4 Within 3 months of the date of this consent, details of the design, height and materials proposed of the fence to be installed along the south-eastern boundary, shown on the layout plan shall be submitted to and approved in writing by, the Local Planning Authority. All walls and fences shall be erected before the first beneficial occupation of the dwellings and retained in perpetuity.

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

5 Notwithstanding the provisions of Article 2, Schedule 2, Part 1 Classes A B C and E of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: To prevent over development of the plot in the interests of the visual amenity of the application site and wider area and in the interests of the residential amenity of those living closest to the site in accordance with the requirements of LDP policies DES1 and EP1.

6 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 garages 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 a key element of the parking being provided and its loss for this purpose may lead to parking problems and to ensure compliance with LDP Policy MV1.

7 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing prior to their installation. 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 No new vehicular entrance gates shall be allowed within 5m from the highway boundary.

REASON: To ensure that any vehicles serving the site can be removed from the highway when opening/closing the gates, in the interests of the highway safety and free flow of traffic along the A48 in accordance with LDP policy MV1.

**Application Number:** DM/2019/00900

**Proposal:** Two-storey extension to side and two-storey and single storey extensions to rear

**Address:** 60 Caldicot Road Rogiet Caldicot Monmouthshire NP26 3SG

**Applicant:** Mr Tony Collett

**Plans:** Location Plan LH01 - , Floor Plans - Existing LH03 - , Elevations - Proposed LH06 - , Cross Section LH07 - , Cross Section LH08 - , Location Plan - A, Floor Plans - Proposed - A, Floor Plans - Proposed - A,

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Joanne Clare

Date Valid: 19.06.2019

**This application is presented to Planning Committee by the request of Local Member Cllr L. Guppy**

### **1.0 APPLICATION DETAILS**

- 1.1 No. 60 Caldicot Road is a two storey semi-detached property located along the main road that passes through Rogiet. The property forms part of a residential street which consists of different house types. The property benefits from off street parking to the side of the property and front and rear gardens. The application site and wider area are located within the development limits of Rogiet as identified by the Proposals Map of the Monmouthshire County Council's Local Development Plan (LDP).
- 1.2 This application seeks planning permission for the development of a two-storey side extension and single storey extension to the rear of 60 Caldicot Road, Rogiet. The proposed extension will extend 3.3m to the side and will measure 10.4m in length to the rear. The extension at the rear will measure 6.1m in width and will be two storeys measuring 4.8m to the eaves. There will also be a single storey extension to the rear which will measure 3.8m in width, 4.2m in length and have a flat roof with a glazed lantern in the centre of the roof. The proposed two-storey side extension would provide a playroom with large kitchen/diner and open plan family area on the ground floor and the first floor would provide two new bedrooms with an en-suite bathroom. There would be one additional window to the first floor which will serve the en-suite bathroom and would be obscure glazed. The extensions would be constructed from materials that match the existing arrangement consisting of white roughcast render with a black smooth rendered band, slate to the roof to match the existing and white uPVC windows and doors.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00900	2 storey extension to side and 2 + 1 storey extension to rear	Pending Determination	
DC/1987/00346	New Access And Erection Of Garage	Approved	05.06.1987

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

#### **Strategic Policies**

S13 Landscape, Green Infrastructure and the Natural Environment  
S17 Place making and Design

#### **Development Management Policies**

DES1 General Design Considerations  
EP1 Amenity and Environmental Protection

### **4.0 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**

**Rogiet Community Council** - Recommends approval.

SEWBReC Search Results - No significant ecological record identified.

#### **5.2 Neighbour Notification**

Objection letter received from 58 Caldicot Road outlining the following: -

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Inadequate access
- Information missing from plans
- Loss of light
- Loss of privacy
- More open space needed on development
- No Opinion expressed on development
- Not enough info given on application
- Out of keeping with character of area
- Over development

Solicitor's letter on behalf of 58 Caldicot Road regarding removal of the hedgerow.

#### **5.3 Local Member Representations**

Cllr Linda Guppy has outlined the following:



This is a very large extension, too large a design to fit in with the street scene and concerns with reduced existing parking space which may be lost. Due to the amount of traffic that travels on the B4245 the benefits that good parking space within the property boundary offers safe access in and out of the property and needs to be considered. The plans do not show the closeness to the new building that has been developed recently next to the property.

Prior to a decision being made I request that this application is presented to the full committee.

## **6.0 EVALUATION**

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

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

This application seeks consent to provide a two storey extension to the side and rear at 60 Caldicot Road, Rogiet. LDP policies EP1 and DES1 seek to support applications for residential development in such locations subject to appropriate design and impact. Being mindful of the site's lawful use and location, the principle of providing extensions at the property is considered acceptable, subject to the application satisfying a number of material considerations which are outlined below.

#### 6.1.2 Good Design/ Place making

The application seeks consent for extensions to the side and rear of the existing dwelling. The application has been carefully considered with regards to the design and the impact on the street scene. The applicants were originally requested to reduce the ridge height of the extension so that it was visually subordinate to the existing dwelling but following a detailed site visit reviewing other extensions in the Rogiet area it was evidenced that many other properties have extended along the same ridge height as the original property. During negotiations with the applicant, it was agreed that the extension would be amended to be set back from the front elevation by approximately 300mm. This would result in the extension being viewed to be a secondary addition. On balance, given there is mix of properties in the area and that the proposed two storey side extension is not overly dominant it is considered that the development has an acceptable appearance on the street scene. The proposed rear extension would not be visible from the street scene and therefore its impact would be minimal. The proposed extensions would be constructed from sympathetic materials that would ensure the extensions harmonise well with the existing building and the resultant development would not be alien to the area owing to similar developments being constructed previously. The proposals would not have an unacceptable impact on the appearance of the area and are therefore considered compliant with the relevant criteria of policies S17, EP1 and DES1 of the LDP.

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

The proposed development would not have an unacceptable impact on any other party's residential amenity. The proposed rear extension would not significantly alter the amount of sunlight the neighbouring property at 58 Caldicot Road would receive due to the layout of the properties and the sun's orientation. The recently constructed 62 Caldicot Road is located to the south west of the property. It is not considered that this development would not have an unacceptable impact on the privacy of the occupiers of this property. The first floor side elevation would be obscured glazed and the first floor rear window would be sited 9m from the party boundary which is considered to be an acceptable intervening distance. The amount of light the neighbouring properties would receive would not significantly alter as a result of this development given the orientation of the sun. The proposed extensions at 60 Caldicot Road would not result in unacceptable harm to local amenity, nor would they affect the privacy, amenity and health of the occupiers of neighbouring properties and would be in accordance with Policy EP1 of the LDP.

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

#### 6.2.1 Access / Highway Safety

The plans submitted in support of the application indicate that off street parking is available to the front and side of the dwelling and the parking provision for the property is unaltered by the proposals. Although the proposed development would increase the size of the dwelling, it would remain a three bedroomed property and would not compromise the existing off street parking provision. The property would have sufficient parking provision and it is considered that the development would not have a detrimental impact on highway safety and the free flow of traffic in the area. The development would be in accordance with Policy MV1 of the LDP.

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

6.3.1 Cllr Guppy has raised concerns with regards to the parking at the property after the extensions are built. As outlined in section 6.2, there is adequate parking at the property and the proposed extensions would not compromise the off street parking provision already afforded at the property.

6.3.2 The neighbouring property has objected on several grounds. The proposed extensions and alterations are not considered to be an over-development of this large plot and as outlined in section 6.1.2 the proposals would not have an unacceptable impact on the street scene. The proposed access and parking provision would be unaltered by the proposals and are adequate for the property. The development would not have an unacceptable impact on the privacy or amenity of No 58 Caldicot Road or another property. There are concerns that the proposed development would result in the loss of an existing hedge between No 60 and No 58 Caldicot Road, the applicant has expressed that the hedge will be retained along the boundary and a fence would be erected on their side of the boundary. This issue would be a civil matter between the parties concerned rather than a material planning consideration.

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

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

### **6.5 Conclusion**

6.5.1 On the basis of the above following the amended plans, it is considered the development would have an acceptable visual impact on the street scene and would not detrimental to the residential amenity of any other party. Being mindful of the style of the host property and similar extensions allowed in the area, it is considered that the development proposed would not be detrimental to the character or appearance of the host property or wider area and would not have a detrimental impact on the highway safety and free flow of traffic in the area. The application is considered compliant with the relevant requirements of policies DES1, EP1 and MV1 of the LDP and is recommended for approval subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

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.

**Application Number:** DM/2019/00938

**Proposal:** Variation of condition 2 (to amend the design of the rear of the property) relating to DC/2015/01588

**Address:** 34 Maryport, Street, Usk, Monmouthshire NP15 1AE

**Applicant:** Mr Michael Farkas

**Plans:** All Proposed Plans 1034 (06)16 Rev. B - , 1034(01)15 - , 1034(03)15 Rev. E (upper floor plan only, all others superseded) - E, 1034(02)15 - , 1034(04)15 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Lowri Hughson-Smith

Date Valid: 17.06.2019

**This application is reported to Planning Committee following it being referred by the Council's planning application Delegation Panel. Members of the Panel requested the application be determined at full Planning Committee primarily due to the potential impact of the proposal on neighbouring properties.**

**The application was initially reported to the Delegation Panel following an objection from Usk Town Council.**

**A concurrent application (DM/2019/01186) for a proposed conservatory to the rear of Plot B the same site was being reported to Delegation Panel at the same time. Application DM/2019/01186 also received an objection from Usk Town Council and was reported to the Panel at the same time as this application since it is appropriate the applications be considered together. Application DM/2019/01186 has also been referred to Committee.**

**Since the Delegation Panel meeting the applicant has provided an updated plan which removes the proposed door on plot A, which is immediately adjacent to No. 32 Maryport Street, and seeks to retain it as a window as per the approved plan.**

## **1.0 APPLICATION DETAILS**

1.1 The application site is known as 34 Maryport Street or the Old Smithy. It is not listed but attached to a Grade II listed building (32 Maryport Street), it within the Usk Conservation Area (Policy HE1) and also an Archaeologically Sensitive Area (ASA). The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Floor Risk (TAN15) (July 2004).

1.2 This application seeks permission for the variation of a condition to the original application (reference number: DC/2015/01588) to enable the rear elevation of both plots to be amended. Prior to discussing the amendments subject to this application, a brief overview of the planning history is provided.

### **Site History**

1.3 The site has an extensive planning history which commenced with the conversion of the whole building, known as the Old Smithy, into two separate residential dwellings. This application was refused by Monmouthshire County Council under application DC/2015/01588.

1.4 The permission was subsequently allowed at appeal. The development has commenced, and the developer has sought to make changes to the proposals during the construction phase. Earlier

this year, an application was submitted on the plot to the north of the site (hereafter referred to as Plot A) for the addition of a single storey conservatory, application reference DM/2019/00256. This application was approved in March 2019. The property subject to this application will be referred to as Plot B.

1.5 In parallel to this application, an application for a conservatory extension to the rear of Plot B, reference number DM/2019/01186. Application DM/2019/01186 was being reported to the delegation panel at the same time as this application to enable the changes to be viewed at the same time given, they are intimately linked.

**Proposed Amendments**

1.6 The approved rear elevation proposed a lean to roof to Plot A and a pitched roof on Plot B. The approved elevation included a Juliette balcony on Plot B, and windows at upper floor level and roof lights on both Plots.

1.7 The proposed amendments seek to amend the appearance of the rear elevation of both Plot A (to north of site and attached to no. 32 Maryport Street) and Plot B (to south of the plot attached to no. 36A Maryport Street). There are no changes to the scale of the development and there are no changes to the upper level floor plans, and these will remain as approved in application DC/2015/01588. The changes to each plot will be discussed in turn below.

**Plot A**

- 1.8 The changes to the rear of Plot A include:
- o Addition of a small gable to allow increased head height in the upper floor bedroom; and
  - o Upper floor bedroom window replaced with a larger roof light.

**Plot B**

- 1.9 The changes to plot B include:
- o Removal of the pitched roof and provision of a monopitch instead;
  - o Additional glazing on rear elevation at upper floor with a Juliette balcony and glazing at lower level;
  - o Removal of an upper floor window.

1.20 The proposed materials include a rendered finish and timber windows.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/00256	Addition of a conservatory to the ground floor of plot 1. (Next door to 32 Maryport Street).	Approved	13.05.2019
DM/2019/00808	Non material amendments in relation to planning permission DC/2015/01588 - A reduction in massing of the roof and the creation of a light well.	Pending Consideration	
DM/2019/00938	Variation of condition 2 (we would like to amend the design of the rear of the property) relating to DC/2015/01588.	Pending Determination	

DM/2019/01186	Addition of conservatory to plot 2 of granted permission DC/2015/01588.	Pending Determination	
DC/2017/00093	Conversion with alterations and extension to former gallery to provide 1 no dwelling.	Withdrawn	
DC/2015/01588	Conversion with alterations and extensions to former gallery to provide 2 no. dwellings.	Refused	18.01.2017
DC/2017/01171	Discharge of conditions 3 and 4 from previous application DC/2015/01588 - materials and scheme of historic environment mitigation.	Approved	03.11.2017

### 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  
S17 LDP Place Making and Design

#### Development Management Policies

HE1 LDP Development in Conservation Areas  
DES1 LDP General Design Considerations  
SD3 LDP Flood Risk  
MV1 LDP Proposed Developments and Highway Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development

### 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

#### Consultation Replies

#### **Usk Town Council**

The town council recommended the application be refused.

### **MCC Heritage Officer**

The Conservation has reviewed the proposals and advised the design is not considered in keeping with the conservation area and advised a design more in keeping with the conservation area would be more appropriate.

### **Glamorgan Gwent Archaeological Trust**

No objection.

### **Usk Civic Society**

The Usk Civic Society objects to the application on the basis of the following:

- o The proposal will have an adverse impact on no. 32 Maryport Street's right to light;
- o The rearrangement of Plot 1 will result in the likelihood of substantial movement of the residents of Plot 1 creating noise generation and disturbance to no. 32 Maryport Street; and
- o The addition of a canopy further affects the impact on No. 32

### 5.2 Neighbour Notification

No responses received.

## **6.0 EVALUATION**

### **Principle of Development**

6.1 A conservatory extension to an existing domestic property is acceptable in principle subject to other detailed planning considerations.

6.2 In this case these material considerations are:

- o Impact on the Conservation Area/Visual Impact;
- o Residential Amenity
- o Flood Risk
- o Biodiversity
- o Highways

### **Historic Environment**

6.3 The site is located in the Usk Conservation Area and attached to a Grade II listed building, known as 32 Maryport Street. Given the historic environment, the proposed development should preserve or enhance the setting of the Conservation Area in accordance with Policy HE1 and the listed building in accordance with Planning Policy Wales 10.

6.4 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.

6.5 The proposed changes are concentrated to the rear of the dwelling and, therefore, results in no alterations to the main façade on Maryport Street. Maryport Street is an important vista in the conservation area and, therefore, the preservation of this façade will ensure important views and vistas along the street are protected and the overall historical character of the conservation area at this location is preserved.

6.6 The rear of the property will change from a traditional design to a modern monopitch appearance. Whilst the change will alter the proposed as approved, the change is of good design and not considered to be harmful. Furthermore, the discreet positioning of the changes on the rear elevation which is well enclosed and not visible from outside of the site confines will not result

in change to the character of conservation area thus ensuring its preservation, as mentioned above.

6.7 The proposed changes will be read alongside the rear of the adjacent listed building (no. 32 Maryport Street). The changes to Plot A, which is attached no. 32, are limited and not considered to be so different to the elevation as approved to result in an adverse impact on the listed building. The changes to Plot B are more significant, although the monopitch roof now proposed sets the massing of the rear extension away from no. 32 thus creating the illusion of it being set further from the listed building's setting. It is not considered the alterations to Plot B are harmful to the listed building or its setting. The design changes are not considered to have an adverse impact and, therefore, ensure the setting of the listed building will be preserved in accordance with the statutory duty and Planning Policy Wales 10.

6.8 The Heritage Officer has reviewed the proposal and raised concerns regarding the design of the proposals. Whilst these concerns are acknowledged, the proposed changes are limited to the appearance of the rear elevation and do not increase the scale of the approved development. Furthermore, the changes cannot be seen from Maryport Street and, therefore, the impact on the conservation area is minimal and overall the conservation area is preserved in accordance with Policy HE1. It is not considered that a refusal of the application in terms of its impact on the conservation area could be substantiated based on the proposed design.

6.9 On balance, due to the changes to the building being concentrated to the rear of the building which would not be visible from public vantage points, together with the scale of the overall development remaining the same as approved, it is concluded the proposals will preserve the conservation area, having a limited visual impact in accordance with Planning Policy Wales 10, Policy HET1 and DES1.

### **Archaeology**

6.10 The site lies within an archaeologically sensitive area and therefore intrusive development works may have an impact on valuable archaeological remains.

6.11 The proposed development does not require any works which will involve intrusive ground works and, therefore, will not affect the potential archaeological resource. GGAT raised no objection to the application and did not recommend any mitigation measures.

6.12 The proposal accords with relevant planning policy, namely Chapter 6 of Planning Policy Wales.

### **Residential Amenity**

6.13 The proposed changes do not increase the scale of the development. The monopitch roof will slightly increase the massing of the development along the boundary towards no. 36 Maryport Street but considering the approved scheme this change is considered minor and does not materially change the impact on no. 36 compared to that approved. The change of massing is considered to have a neutral impact on no. 36.

6.14 The changes will alter the configuration of the windows on the rear elevation. At lower ground floor level, the approved French doors would increase by a door width on each plot. Given this is at ground floor level, there are no anticipated impacts on the adjacent dwellings.

6.15 At upper floor level, the windows on Plot A will be reconfigured and slightly larger in size but no additional windows are proposed. Plot B will have increased glazing at the Juliette balcony but the upper floor window as proposed will be removed. The roof light will remain but be marginally larger. The enlargements of the windows on both plots would be minor and will not alter the impact as approved to an extent which would be harmful to neighbouring amenity.

6.16 The proposed amendments to the rear of Plots A and B are not considered to have an impact any worse than as approved under application DC/2015/01588 and, therefore, considered to be acceptable and in accordance with Policy EP1, as concluded in the 2015 application.

## **Flood Risk**

6.17 The site is in a C1 flood zone which is a high-risk flood zone served by flood defences. The proposals result in no alterations to the footprint of the development as approved and, therefore, would have a neutral impact on flooding. Despite this, there is a need to ensure the floor levels of the property remain in accordance with the finished floor levels. The recommendation that the floor levels be no lower than 17.3m above ordnance datum as recommended in the FCA which supported application DC/2015/01588 and endorsed by NRW will be conditioned.

6.18 Considering the planning history and on the basis the development is limited in size and does not introduce a new use, the extension is considered to have a neutral impact in terms of flood risk and, subject to the condition securing the minimum floor levels, the development is in accordance with Policy SD3.

## **Biodiversity**

6.19 The property is currently under construction and is a shell. Given the level of works being undertaken, there is unlikely to be any ecological features at the site. No further information in respect of bats is deemed necessary and the proposal is considered to accord with Policy NE1 and will be unlikely to result in an adverse impact on biodiversity.

6.20 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.

## **Highways**

6.21 The changes proposed do not require additional parking requirements and, therefore, the proposal will have no impact on highway safety in accordance with Policy MV1.

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

### **Usk Town Council**

6.23 Usk Town Council recommended refusal but no reasons were given.

### **Usk Civic Society**

6.24 The Usk Civic Society objects to the application on the basis of the following:

#### **The proposal will have an adverse impact on no. 32 Maryport Street's right to light**

6.25 The scale of the development would not change from the scheme as approved and Plot A remains to have no two-storey extension thus preserving the light to no. 32. The impact on no. 32 is not considered to change from the proposals approved in application DC/2015/01588.

#### **The rearrangement of Plot 1 will result in the likelihood of substantial movement of the residents of Plot 1 creating noise generation and disturbance to no. 32 (Note to reader the Civic Society refers to plot 1 which in respect of this report is Plot B)**

##### **Maryport Street**

6.26 The floor space of Plot B does not change and there is unlikely to be an impact in terms of noise or disturbance any different to the approved scheme.

#### **The addition of a canopy further affects the impact on No. 32**

6.27 The canopy for Plot A has been approved under application DM/2019/00256 and not subject to this application.

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

6.28 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**

6.29 The proposed changes are concentrated to the rear of the property resulting in minimal changes which are visible from public vantage points. The proposal would successfully preserve the conservation area and has an acceptable visual impact, in accordance with LDP policies HE1 and DES1.

6.30 The impact on neighbouring properties has been fully assessed and the impact is not considered to be materially different to that approved under application DC/2015/01588 and the proposals are in accordance with Policy EP1.

6.31 The proposals have an acceptable impact in terms of flood risk in accordance with Policy SD3 and will have a neutral impact on highway safety in accordance with Policy MV1.

6.32 The proposal is compliant with the Monmouthshire Local Development Plan and recommended for approval.

## **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 Finished floor levels shall be no lower than 17.3 metres above Ordnance Datum (AOD).

REASON: To prevent flooding in accordance with Technical Advice Note 15 and LDP Policy SD3,

4 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.

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**Application Number:** DM/2019/01034

**Proposal:** Construction of two new four-bedroom detached dwellings with ancillary works

**Address:** Land adjacent to Caestory House, High Street, Raglan

**Applicant:** Mr & Mrs R Whitehead

**Plans:** All Proposed Plans Plot1 - 200A, Location Plan - 202A(1), All Proposed Plans Plot 2 - 201A, Site Layout - 202A,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 28.06.2019

**The application is presented to Planning Committee as there have been objections received from five or more separate households**

### **1.0 APPLICATION DETAILS**

1.1 The site is located in the village of Raglan, and is accessed from the main high street via an access road leading to Orchard Close. Caestory House is sited towards the northern end of the plot, which creates a large rear garden area to the south of the site.

1.2 Caestory House is a substantial two storey detached dwelling with parking and access to the front and large garden areas to the rear. There is a detached garage positioned close to the driveway entrance, with another detached garage sitting between Caestory House and the boundary wall between the site and Orchard Close. There is a gravel driveway and parking area at the front of the property, with the rear garden consisting of a lawn, surrounded by areas of shrubs, with hedgerows and brick walls forming the boundary of the site.

1.3 It is proposed to erect two new detached houses to the south side of the plot with access from Orchard Close. The dwellings proposed will have four bedrooms and have a ground floor foot print area of 120m<sup>2</sup> with a gross floor area over two floors of 216m<sup>2</sup>.

1.4 The site is located within the Local Development Plan (LDP) defined settlement limits of Raglan, and is also part of the Raglan Conservation Area.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
None.			

### **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

## **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

NE1 LDP Nature Conservation and Development

MV1 LDP Proposed Developments and Highway 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 Responses

**Raglan Community Council** - Good location for development in terms of access to services and transport. Raised queries regarding ownership of the access. Further comments to follow.

**MCC Highways** - No objection subject to a condition requiring a Construction Traffic Management Plan prior to commencement of development.

**MCC Housing Officer** - Financial contribution towards the provision of affordable housing in the local area required in accordance with Policy S4 and the supporting SPG.

**MCC Sustainable Drainage Approval Body (SAB)** - Believe the proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

**Glamorgan Gwent Archaeological Trust (GGAT)** – Request a condition requiring an archaeological watching brief.

SEWBREC Search Results - No significant ecological record identified.

### 5.2 Neighbour Notification

Sixteen representations received. Object on the following grounds:

1. The proposed access for this development is from Orchard Close which is a privately owned road. It is jointly owned by the six dwellings on Orchard Close. We object to the proposed access.
2. House will be very close to 6 Orchard Close blocking our light. As well as a window overlooking our garden and house. It will tower over our property.

3. The development will create more traffic emerging on to Raglan High Street which is already heavily congested.
4. There is not sufficient space for vehicles to turn into the development nor is there sufficient space for vehicles to emerge out of the development into the narrow lane. The lane is only wide enough for a car or small goods vehicle which in itself would be problematic to construction traffic as well as the residents.
5. There would be a safety issue due to the increase of vehicles to the development in regard to both the Scout hut, which is situated at the High Street end of the lane as the children congregate outside and in the lane, as do the parents at drop off and collection times and also to the pedestrians that use the walk way to the housing estate and the car park at the rear of the Post Office.
6. If the swimming pool building is removed Plot 1 would have an elevated and direct line of sight into the garden of 27 Caestory Lane and also and inside the house. Having spent 35 years composing and growing my garden to maintain my privacy and well-being, this application will completely destroy both.
7. The swimming pool wall facing 27 Caestory Avenue provides a large part of the boundary between the garden and Caestory House, so its removal will provide direct access into the garden through the large gap in the existing hedges.
8. The rear of the proposed development will be looking directly into the back garden and bedroom windows of 25, 26, 27 & 28 Caestory Avenue and it will considerably infringe on privacy.
9. We could not get planning permission to widen our original garage, because of location of main sewer which is situated by rear boundary. We were informed that it could not be disturbed and the weight of additional building would be an issue... why is this proposal any different?
10. When there are vehicles parked either side of the 'keep clear' road marking visibility is reduced and it is impossible to exit the lane without driving out into the High Street to see if it is safe to exit. Also frequently cars are parked on top of the 'keep clear' markings making impossible to turn into the lane from the High Street which in turn creates even more congestion.
11. The alleyway from Caestory Avenue/Caestory Crescent (plus 30% of all the houses in Raglan) have to cross this access road to gain access to Raglan High Street and the local shops, Chemist etc.

## **6.0 EVALUATION**

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

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

The site is located within the development boundary for Raglan as designated by Policy H1 Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements of the Monmouthshire Local Development Plan (LDP).

Within such land, new build residential development "will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses". It is therefore considered that in principle the erection of new residential development would be acceptable.

The existing dwelling is set within very generous grounds and it is considered that the two plots proposed would be commensurate with those in the surrounding built environment.

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 £13,560 per dwelling, totalling £27,120.

#### 6.1.2 Good Design/ Place making

The proposed new dwellings are traditional two storey houses with pitched slate roofs and gable and porch details to the front elevations. The walls will be painted render, similar to many of the

existing dwellings in the area with grey uPVC windows and doors. The ridge height of the proposed new dwellings will be 0.05m (5cm) above the nearest neighbour on Orchard Close and will also be set back from the front elevation of this neighbouring dwelling resulting in the front elevation of Plot 1 being approx. 15m back from Orchard Close. It is unlikely that there will be any views of Plot 2 from Orchard Close.

The dwellings will be set at a lower level to Caestory House due to the natural gradient of the site and therefore will not be dominant in relation to the existing property.

The nearest dwellings on Caestory Avenue are relatively modern bungalows that head a cul-de-sac. The gable end of Plot 2 may be visible from the end of the cul-de-sac but at a distance of around 40 metres which will ensure that the visual impact on the street scene is minimal.

The proposed new dwellings are therefore considered to be in keeping with the character and appearance of the area in terms of their design, form and scale and accord with LDP Policy DES1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

The plot sizes resulting from the subdivision of the rear garden of Caestory House will be similar to those in the immediate vicinity. The only windows on the sides of the proposed dwellings will serve bathrooms and can be conditioned to be obscure glazed. As such there will be no loss of privacy through direct overlooking for the existing dwellings to the north east (Orchard Close) or south west (Caestory Avenue) or between the two new dwellings.

Views from the front elevation of Plot 1 will be over the retained garden of Caestory House at a distance of 11 metres to the boundary and 21 metres to the rear elevation of the house. These distances are considered to be acceptable in terms of overlooking. Oblique views to the north east will be over the front/side parking area of no. Orchard Close. This property has no habitable room windows on the side elevation directly facing Plot 1. In terms of overshadowing, the ridge of Plot 1 will be 12m away from the rear elevation of no. 6 Orchard Close. This ridge is only slightly higher than this neighbouring property (+5cm) and the eaves will be 0.3m lower and on this basis together with the distance between the existing and proposed dwellings, it is considered that Plot 1 will not overshadow the neighbour to the extent that there would be a significant adverse impact on residential amenity. There would be some additional year round shading of the garden of no. 6 during the mid-afternoon to early evening owing to the orientation of Plot 1 to its west. This neighbouring garden is a good size and would retain a reasonable degree of direct sunlight so that its enjoyment would not be unacceptably harmed.

There will be a distance of 12.5m between the rear windows of Plot 1 and the boundary with the garden of the dwelling to the south east on Caestory Avenue and a distance of 23m between habitable room windows. Again these distances are considered to be adequate to avoid any serious loss of privacy.

The gap in the existing hedge that will result from the demolition of the swimming pool building will be filled with a new Hawthorne hedge which is shown on the drawings. The implementation of this can be conditioned thereby protecting the privacy of the neighbour to the rear and also that of any future occupiers of the proposed new dwelling.

The front gable of Plot 2 is within 8 metres of the boundary with the rear garden of Caestory House to the north and has a distance of 25 metres between habitable room windows. To the south west, there will be between 13 and 15 metres between the rear elevation and the gardens of the existing dwellings on Caestory Avenue and 25-26m between habitable room windows. These distances are generally accepted as being acceptable in terms of privacy. To the south west, adjacent to the existing bungalows on Caestory Avenue, Plot 2 is set back between 3 and 5 metres from the boundary. There is then a footpath before the gardens of the neighbouring bungalows. This gives a total distance of 8m between the side elevation of Plot 2 and the boundary of the garden of the bungalow to the south west and 6m between the side elevation of Plot 2 and the boundary of the garden of the bungalow to the east. Only the front gable part of Plot 2 will be in line with this garden and therefore any effects of overshadowing or being overbearing will be limited.

As previously stated, the window at first floor level on the side elevation will only serve a bathroom and can be conditioned to be obscure glazed in perpetuity.

Given the distances between the proposed new dwellings and the neighbours and the omission of habitable windows on the side elevations it is considered that the development will not harm local residential amenity and therefore meets the requirements of LDP Policy EP1.

## **6.2 Active and Social Places**

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

Raglan is classed as a Rural Secondary Settlement in Policy S1 of the LDP. This classification was based on the data contained within the Monmouthshire LDP Function and Hierarchy of Settlements Study (October 2008). As such the village is considered to be relatively high up on the Sustainable Transport Hierarchy with access to a bus service. There are also good pedestrian links to local services and shops as the site is within the centre of the village.

### 6.2.2 Access / Highway Safety

The ancillary works proposed include landscaping and the formation of a new vehicular access off the existing shared use private road serving Orchard Close.

The proposed internal driveway serving the two proposed dwellings is to be constructed in a gravel surface with a short 5m length in tarmac construction where it joins the private access road which is considered necessary to avoid gravel being dragged onto the road. The proposed driveway arrangements will provide sufficient parking in line with MCC Parking Guidelines SPG and allow vehicles to turn within the development to exit in a forward gear. Furthermore, the proposed gates at each property driveway are to open inwards into the development to prevent conflict with user of the new driveway. On this basis it is considered that the internal access and parking arrangements are acceptable.

In terms of the access itself, the development proposal will be required to utilise the existing private road serving Orchard Close, to facilitate vehicular access onto the public highway at High Street, Raglan. The Applicant will therefore need to obtain the necessary permissions and agreements etc. to utilise this private road or investigate an alternative vehicular access arrangement to serve the proposed dwellings. However, as this is a private legal matter then it cannot affect the determination of this application.

The access road referred to above is narrow at approximately 3m wide, with high brickwork boundary walls along both sides. As such, careful consideration must be given to use of the road by large vehicles delivering construction materials. Although access is available via Caestory House if deemed necessary, it is considered that a Construction Traffic Management Plan (CTMP) should be provided prior to work commencing on the site and this can be a condition of any consent. As regards the development itself, the Council's Highway Officers have no objection on highway safety grounds to the additional vehicle movements at the junction with High Street as impact of the relatively small amount of additional traffic movements generated by two dwellings will not be significant. On this basis the proposal meets the requirements of LDP Policy MV1 and there are therefore no reasonable highway grounds on which to refuse the application.

## **6.3 Productive and Enterprising Places**

### 6.3.1 Sustainability

The proposed dwelling will have insulated floors, walls, and roof that are of a higher standard than that of the minimum requirements of Building Control. All new sanitary ware will be low flow to reduce water consumption, and all new lighting will be energy efficient. Throughout the construction of the development, the new materials required will be sourced locally when possible to ensure transportation and emissions are kept to a minimum.

## **6.4 Distinctive & Natural Places**

### 6.4.1 Historic Environment

The Raglan Conservation Area Appraisal has the application site in Character Area 4 High Street which is the traditional centre of the village. The buildings are generally rendered with slate roofs in a linear form. The use of natural slate is proposed for the new dwellings which will also match Caestory House. The majority of the other existing dwellings within the context of the application site itself are relatively modern, appearing to be mid-20th century. As such, materials tend to be render, concrete, brick and uPVC windows. The use of grey uPVC over white for the windows in the new dwellings is preferable as it will add a more modern look to the proposed new buildings. Overall however, a traditional approach has been taken to the design and scale of the new houses which is considered to preserve the character and appearance of the conservation area in accordance with LDP Policy HE1.

### 6.4.5 Biodiversity

The proposal includes the demolition of an existing outbuilding housing a swimming pool. This building has a monopitch roof and no loft space. Furthermore access points for bats are limited. Due to the construction of the building it is not considered that the building is likely to be a suitable habitat for bats and therefore no further survey work has been required at this stage. However, an informative advising the developer of what to do should bats be encountered during works would be included if consent is granted.

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

Any drainage scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

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

6.5.1 Issues relating to the use of the private access road and highway safety have been addressed in Section 6.2.2 above, as has the potential impact of construction traffic. The impact on the neighbours in terms of the proposed new dwellings being overbearing and loss of privacy has also been addressed in Section 6.1.3.

The ridge height of the proposed new dwellings will be 5cm higher than no.6 Orchard Close and therefore will not appear any higher than this property.

The issue of building over the sewer raised by a neighbouring occupier is a matter for the developer and the water company and would not normally be a planning reason for refusal of an application.

Cars parking over the "Keep Clear" box markings would be illegal and would be a matter for the appropriate enforcement bodies.

## **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**

Subject to a 106 Legal Agreement requiring the following:



Commuted sum (£13,560 per dwelling, total of £27,120) towards the provision of affordable housing in the local area.

### S106 Heads of Terms

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 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority. This Plan shall include traffic management measures, hours of work, measures to control dust, noise and construction related nuisances and any necessary measures required to protect the adjoining users from the construction works. The development proposal shall be carried out in accordance with the approved CTMP.

REASON: In the interest of Highway safety and to comply with LDP Policy MV1.

4 All windows in the side elevations at first floor level shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

5 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 G11.

6 The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Planning Policy Wales (Edition 10, December 2018).

## 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 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk). This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

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/2019/01149

**Proposal:** Change of use of land for the keeping of horses and erection of stables

**Address:** Land Adjacent Sunnybank, A48 Crick To Parkwall Roundabout, Crick, Monmouthshire

**Applicant:** Mr M Flynn

**Plans:** Location Plan - , Site Layout - , All Proposed Plans - , Other Manure management - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Mrs Helen Hinton

Date Valid: 17.07.2019

**This application is presented to Planning Committee following the receipt of public objections and representations**

### **1.0 APPLICATION DETAILS**

The application seeks full planning permission for the change of use of land for the keeping of horses and erection of stables.

The land the subject of the application has a frontage with the A48 of approximately 72m and a depth of approximately 42m.

The proposed stables would be erected in an enclosed hardstanding area to be provided in the northern part of the site. The buildings would be positioned at the western end of the yard in the north-western corner adjacent to the existing embankment and would measure 12.6m wide, 4.2m deep with a lean to roof with a maximum height of 3m falling to 2.5m. A store building measuring 4.2m wide, 4.2m deep with a lean-to roof with a maximum height of 3m falling to 2.5m would be provided to the south of the stables. Externally the buildings would be finished with concrete block walls with timber Yorkshire boarding above and a sheeted roof. Standard half height stable doors would be provided in the southern elevation with three windows (one per stable) proposed in the northern (rear) elevation. The remainder of the land would be re-sown with grass seed and used as a paddock.

The yard area would be defined by post and rail fencing and a section of hedging. A new post and rail fence in excess of 1m in height has been developed along the southern boundary of the site, adjacent to the A48. The site layout plans submitted indicate that access to the development would be gained from the existing driveway leading from the A48 with a new twin track driveway provided across the paddock to the buildings. A set of double gates would be provided in the western boundary of the paddock.

Following discussions, the applicant has confirmed that the stables will be used for winter stabling while outside of this period the animals will be turned out for summer grazing. Whilst housed the ponies would be turned out on the land for a period of time each day and would have access to the yard and paddock but stabled overnight and during inclement weather. Manure generated by the use would be stored in a trailer and removed from the site as needed. A letter from a local farmer, confirming this arrangement, has been submitted in support of the application.

During the processing of the application the applicant has confirmed that he currently has three ponies (an 11 hand and 2 Shetlands) and is in the latter stages of purchasing the freehold with

vacant possession of a further 3 acres of land within the immediate vicinity, inclusive of an equine/hobby farmer access over/through the adjacent land to/from the public highway. Completion of sale is due to take place in the week commencing 16 September 2019.

### Site appraisal

The application site comprises a modest parcel of land positioned to the north of the A48, to the east of M48 and to the west of a residential property known as Sunnybank. The land is positioned on a gradient falling from north to south and is defined by an embankment covered with trees and vegetation to the north and along part of the western boundary with a mature hedge to the east. At the time of inspection the area had been cleared of vegetation and a post and rail fence along the southern boundary erected on top of a small earth bund. Access is gained via an existing driveway leading from the A48 in the south-western corner of the plot.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2019/01149	Change of use of land for the keeping of horses and erection of stables.	Pending Determination	

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

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  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside  
LC1 LDP New Built Development in the Open Countryside  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
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

**Mathern Community Council** - Initial comments - objection raised for the following reasons:

- Site area is not as large as specified;
- Site lacks sufficient sustainable drainage. Regular hosing of the yard and stables on such a steep site in winter will result in water run off down the pavement and highway of the A48;
- Stables are stated to be for winter use only. Highways assessment has been carried out in the summer months. Consideration has not been given to the reduced available light in winter. Traffic approaching from the Newport direction in winter will be much less likely to see ponies (possibly pulling traps) as they drive beneath the M4 bridge towards Chepstow. The site entrance which is only a few yards beyond this bridge has a dark canopy during the winter with maximum vehicular usage being before sunrise and after sunset.
- In winter the land will quickly become poached and churned into mudbath by the ponies, bringing them health problems.
- The stables should have a solid base for equine health reasons. This is not categorically stated in the application;
- The environment is extremely stressful for horses, being close to a busy A road and the M48 bridge with accompanying noise and flashing lights.
- In the event of fire, there is nowhere for the ponies to be allowed to escape, except the A48.
- The post and rails fence adjoining the A48 must be reinforced at least by an impenetrable hedge as frisky, over-confined ponies with little paddock area to work off excess energy will push post and rails over, especially as it ages.
- Storage of stable waste in a trailer may attract few flies in winter, but it will attract vermin.

### Subsequent comments:

Objection removed subject to the following conditions:

1. Horses being exercised and held in the 3 acre field to the rear of the Border Waste site which is in the same proven ownership as the stables site. With a legal agreement being put in place to ensure uninterrupted access from the Stables to the field;
2. Manure generated from the stables site being regularly removed off site and not allowed to stock pile on site;
3. Only vehicles associated with the approved and intended land use (i.e. stables) be permitted to be stored, held or maintained on site;
4. No bonfires being permitted on site.

**MCC Highways** - Raise no objection

## 5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. 12 letters of representation (6 objections, 2 neutral, 4 support) have been received and are summarised as follows:

In principle, no objection to the application of stables. It is better to have stables than land dereliction.

Applicant has tidied the area up compared to what it was like previously. The former owner also cleared off the weeds and over growth many years ago.

Clearing the land has improved the appearance of the area.

Concerns are raised with regards to waste management and the general welfare of the livestock to be kept on such a small piece of land, which has no grazing facilities adjacent.

The site is unsuitable for the keeping of horses. The land is not secure and therefore not safe. The positioning of the stables close to the busy A48 would create a very stressful environment for the animals. There is no paddock, or sufficient space for a paddock, resulting in confinement in stables for long periods of time, adding to stress levels.

In an emergency, such as a fire, there would be nowhere safe for the horses to escape or anyone to take charge of them.

If horse manure is to be stored in a trailer on the site, this will lead to problems with flies and disease.

The entrance to the site is not easy to spot by traffic approaching at 50 miles per hour. The chances of an accident involving horses and riders seem very high.

Border Waste Management site in Crick has been up for sale for quite a long time and is the subject of an Enforcement Notice. The land in question is part of the Border Waste Management site. Who is liable for compliance with the Enforcement Notice if the site has a new owner?

The site lacks sufficient and sustainable drainage this will lead to water run off onto the adjacent highway.

If the applicant owns other land why is he applying to put stables here?

There have been bonfires on site.

Has the site been earmarked as a possible future traveller site?

There is no clear definition between the proposed paddock and yard.

### 5.3 Local Member Representations

The Ward Member was notified of the application on 23rd July 2019.

## **6.0 EVALUATION**

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

#### 6.1.1 Principle of Development

Although located in close proximity to the village of Crick, the site is located outside of any settlement development limit defined by the proposals map of the Monmouthshire County Council Local Development Plan and is therefore deemed to be in the open countryside where there is a general presumption against development unless the proposal accords with national planning policy or specific policies in the Monmouthshire County Council Local Development Plan (LDP).

In respect of this proposal, Policy LC1 of the Local Development Plan permits new build development in the open countryside if it is compliant with a specific policy in the plan and meets

the criteria identified in policy LC1. The specific relevant policy in this case is RE6 which supports new recreational and leisure uses in the countryside.

Policy RE6 of the LDP allows buildings for recreational or leisure uses providing they are small-scale, informal in nature and acceptable in respect of all other relevant detailed planning considerations.

In this case, the application seeks consent for the change of use of land for the keeping of horses and the development of stables. Although the site area as a whole is modest, the building is considered to be of an appropriate scale for the level of use proposed, with the applicant recently confirming that they are in the latter stages of completing a sale for a further 3 acres of land within the immediate vicinity.

Whilst located beyond any defined settlement development boundary there is a dwelling with associated outbuildings to the east of the site, in relation to which the development would be viewed.

In the broadest terms the principle of using the site for the keeping of horses and the development of a stables is considered acceptable and compliant with the requirements of policies LC1 and RE6 of the LDP.

#### 6.1.2 Good Design/ Place making

Criterion c) of policies LC1 and DES1 specify that developments must be of a design, form, bulk, size, layout and scale that respect the character of the surrounding countryside and any neighbouring quality buildings.

It is considered that the proposed building is suitably designed for equine use and is of a scale, size and layout that are typical for a building accommodating three stables. The design and external materials are considered to be simple and utilitarian in form and in conjunction with additional landscaping to be provided on site would help create a development that would be a visually subservient and subordinate feature that would not be an incongruous feature in the landscape.

On the basis of the above, the application is considered compliant with the relevant criteria of policy LC1, RE6 and DES1 of the LDP

#### 6.1.3 Impact on Amenity

As part of the public consultation process, a number of concerns have been raised with regards to the suitability of the land for the keeping of horses as result of the space available; manure management and the impact this will have upon the amenity of the area and the residential amenity of those living closest to the site.

The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010, provides specific stocking ratios that must be observed. However, this legislation is not applicable to leisure animals such as horses. Under the requirements of the Animal Welfare Act 2006 (which is regulated and enforced by the Department for the Environment Food and Rural Affairs (DEFRA), the RSPCA and the Police) it is the owner or keeper's responsibility to ensure reasonable steps are taken to ensure their animal's welfare needs are met and it is for them to assess whether the site is suitable for their animals.

Paragraph 1.10 of the Code of Practice for the Welfare of Horses (hereafter referred to as the Code) which is issued under section 14 of the Animal Welfare Act 2006, provides the following information:

"As a guide, in order to maintain correct body condition, each horse requires a minimum of 0.4 to 0.6 hectares (one to one and a half acres) of good grazing if no supplementary feeding is being provided. However this will depend on the ground conditions, the time of year, type of horse and

degree of pasture management employed. A smaller area may be appropriate where a horse is principally stabled or housed and grazing areas are used only for occasional turnout."

Paragraph 1.13 specifies:

"It is not always practical or possible to remove horses from fields or pastures which become muddy, however, it is essential that the horse does have a comfortable, well drained area on which to stand and lie down, and on which to be fed and watered."

It is acknowledged that the land the subject of the application is modest in its overall area. Although the site is smaller than that advocated by the Code this requirement relates purely to the area required for good grazing if no supplementary feeding is being provided and does not relate to the land area required for turnout purposes. As part of the application, the applicant has confirmed that his animals are currently kept at grass keep on a nearby farm. Should the development be approved, the ponies would be stabled on site from the end of October to April overnight and during inclement weather, with daily turnout provided on the remainder of the site with the animals having access to the yard area and paddock area which would be reinstated in the southern part of the site.

As part of the current application it is proposed to construct a hay and feed store to allow additional fodder to be stored and provided. Fodder would be provided in the stables or on the yard area. Whilst it is likely that the paddock area would become poached as a result of use in the winter this is not uncommon and can be rectified through the appropriate management of grazing and resting of pasture. The additional land secured by the applicant's pending purchase would also provide greater opportunities for animal rotation thereby reducing the intensity of use and impact on the land to the benefit of the character and amenity of the wider area.

It is considered that the site is capable of providing stables of an appropriate size with some element of turn out without the proposal appearing as over development of the site, detrimental to the overall amenity of the area. Being mindful that the animals would have access to drained and surfaced areas (stables and yard) on which to stand, lie down, be fed and watered with further turnout space provided on pasture land it is considered that the proposal would be compliant with the requirements of the Code.

Details submitted in support of the application initially indicated that manure generated would be collected and stored in a trailer which would then be removed from site and disposed of by a local farmer. Although this arrangement has been confirmed in writing, its reliability has been questioned by a number of objectors. In light of the applicant's pending purchase there is now potential for them to store manure on their own land away from any residential properties thereby reducing potential for the proposal to have a detrimental impact on residential amenity.

An amended plan has been sought to clarify and control where on the wider landholding manure would be disposed to reduce the impact on the residential amenity of those living closest to the site. This plan could be conditioned as part of any grant of consent and subsequently enforced against.

On the basis of the above it is considered that the development would not be so detrimental to the overall amenity of the area or the residential amenity of those living closest to the site to warrant refusal of the application on such grounds and the application is considered compliant with the requirements of Policy EP1 of the LDP.

## **6.2 Active and Social Places**

### **6.2.1 Access / Highway Safety**

Access to the site would be gained via the existing driveway in the south-eastern corner which is shared with the former Crick quarry/ former Border Waste site. The site layout plan submitted indicates the provision of a hardstanding area to the east of the driveway to allow all vehicles accessing the site to pull off the road prior to opening the gates and entering the land.



As part of the public consultation process an objector has specified that the access is largely concealed from approaching traffic and that the use proposed could result in conflict between horse and rider and vehicles on the highway.

Following consultation the Highways Department has raised no objection to the proposal and has provided the following comments:

"The development proposal includes the construction of an access track constructed with a permeable surface, to facilitate vehicular movement to/from the existing A48 public highway. Vehicular access into the development proposal to/from the existing A48 public highway would be via the existing drop kerb arrangement serving the former quarry [sic] site. A new entrance point will be constructed off the side of the existing bell mouth junction arrangement.

A gate is proposed to be sited along the new access track at a sufficient distance not to block the public highway when vehicles have stopped to open/close the gate. The proposed stable yard area is sufficient in layout and size to accommodate vehicles turning to allow exit onto public highway in a forward gear.

A site inspection was carried out on 2nd August 2019 where it was noted that the existing vehicular access point is located within the 50mph speed zone on the A48 highway and that there is sufficient visibility available at this location for the current road speed when checked against the current highway design standards."

It is acknowledged that the national speed limit sign for the A48 is positioned immediately adjacent to the top site of the current access. This results in drivers increasing in speed as they approach and pass the sign. Whilst the implications of this upon the safety of the access have been raised by members of the public, it is noted that the access benefits from sufficient visibility splays for the national speed limit. As with all junctions it is the responsibility of the individual accessing the carriage to ensure the highway is suitably clear before undertaking any manoeuvre.

Whilst further concerns have been raised by the public with regards to the safety implications arising as a result of the access being adjacent to the bridge of the M48 (and the resulting shadow this generates, concealing the entrance during the darkest times of day in the winter period) it must be acknowledged that the access is existing and could be used without the need for further planning permission. It is considered that the scale of the development proposed, the resulting limited trip generation, the visibility available from the access and the illumination that would be provided from the headlights of vehicles using the access would prevent the proposal from being so detrimental to the overall highway safety and free flow of traffic in the area to warrant refusal of the application.

Whilst concerns have also been raised in relation to conflict arising between horse drawn vehicles and highway users, it must be acknowledged that the site benefits from sufficient visibility and that it is the responsibility of the person undertaking any manoeuvre to ensure that the highway is sufficiently clear. On the grounds of personal health and safety it is highly unlikely that the applicants would allow their animals to enter the highway during the darkest times of the day.

With regards to on-site parking and turning, it is noted that the proposed yard area or the bell mouth of the junction and driveway in the south-western corner of the site could be used to ensure vehicles can access and egress the site in a forward gear.

Based on the Highway Engineer's comments it is considered that the site benefits from sufficient visibility leading onto the A48; the proposal would not generate a number of vehicle movements significantly detrimental to highway safety and that sufficient provision has been made as part of the proposal to ensure that vehicles can enter and leave the site in a forward gear. It is therefore considered that the proposal would not be so detrimental to the overall highway safety and free flow of traffic in the area to warrant refusal of the proposal and is compliant with the requirements of polices S16 and MV1 of the LDP.

## **6.3 Distinctive & Natural Places**

### 6.3.1 Landscape/ Visual Impact

Criterion a) of Policy LC1 requires development proposals to be satisfactorily assimilated into the landscape; criterion b) wherever possible to be located within or close to existing groups of buildings and d) have no unacceptable adverse impact on landscape, historic/cultural or geological heritage, biodiversity or local amenity value.

Although there are currently no buildings on site, the site is adjacent to the bridge of the M48 and the residential property known as Sunnybank and would therefore be read in the landscape relative to the existing buildings and more urban infrastructure. Whilst it has been questioned why the stables cannot be developed on the applicant's wider land holding, the current site benefits from a maximum level of natural surveillance and would be in compliance with requirements of criterion b) of Policy LC1 thereby preventing development and encroachment into the wider and more undeveloped areas of the open countryside.

As specified above, the use of the paddock area in the southern part of the site during winter months could result in the surface becoming poached and muddy. However, such circumstances are not uncommon and could be rectified through appropriate land management. Given the alternative land and yard areas available for use, it is considered that such a situation would not be so detrimental to the overall visual amenity of the area to warrant refusal of the application.

The applicant has indicated that they intend to install a hedge along the southern boundary of the site adjacent to the A48. Although not indicated on the plans this could be secured by condition and would help further assimilate the development into the landscape and would help screen and soften the visual impact of the site when viewed from the A48.

Given the proposed position of the stable building in the northern part of the site, as far away from the A48 as possible, between the bridge of the M48 and Sunnybank, the backdrop of the embankment and trees to the north, and the style and external finish of the building proposed, it is considered that the development would successfully assimilate with the existing landscape and is in compliance with the relevant requirements of Policy LC1 of the LDP.

### 6.3.2 Green Infrastructure and biodiversity

The application site has previously been the subject of tipping and was cleared of vegetation prior to the submission of the application. The site is not the subject of any ecological designation and the Council did not hold any records with regards to its ecological or biodiversity value prior to the clearing being undertaken and are therefore unable to determine the impact such works may have had. Although the development would change the ecological composition and attributes of the site, the provision of additional hedgerows of an appropriate species and mix and an area of managed and maintained grassland would provide biodiversity enhancements in compliance with the requirements of policies LC1, RE6 and NE1 of the LDP.

### 6.3.3 Water (including foul drainage / SuDS)

As part of the public consultation process, concerns have been raised with regards to water run off from the site entering the highway. The site layout plan submitted indicates that a yard area would be provided in the northern part of the site with the remainder of the land, with the exception of the driveway, being used as a paddock area. It is considered that the paddock in association with a bund that has been developed below the fence erected on the southern boundary would provide opportunities for water soakaway and percolation and would limit water run off. A condition requiring the installation of water butts to contain water run off from the roof of the stables and hay store could also be imposed on any grant of consent.

As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water. These SuDS must be designed and constructed in accordance with the Welsh Government

Standards for Sustainable Drainage. Approval for the system must be sought from the Sustainable Drainage Approving Body (SAB) prior to the commencement of development. As the application proposes a yard area in excess of 100Sq.m the development will need to provide a sustainable drainage system on site. An informative note relating to this matter can be placed on any grant of consent.

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

Although the Community Council initially raised an objection to the application this has subsequently been retracted subject to a number of conditions being imposed on any grant of consent. These are as follows:

1. Horses being exercised and held in the 3 acre field to the rear of the Border Waste site which is in the same proven ownership as the stables site. With a legal agreement being put in place to ensure uninterrupted access from the stables to the field;
2. Manure generated from the stables site being regularly removed off site and not allowed to stock pile on site;
3. Only vehicles associated with the approved and intended land use (i.e. stables) be permitted to be stored, held or maintained on site;
4. No bonfires being permitted on site.

As specified above the applicant has provided evidence that they are in the processing of purchasing a further parcel of land to the north-west of the site which includes an equine/hobby farmer access over/through the adjacent quarry land to/from the public highway. However, this land is not included in the current application. Whilst the other area of land could be used for grazing, any condition relating to the land would fail the condition tests set out in Circular WGC 016/2014: The Use of Planning Conditions for Development Management on the basis that it would be unenforceable.

The details submitted as part of the application specify that manure generated from the use would be stored in a trailer and removed from the site as required. This management technique in association with the pending acquisition of a further area of land on to which manure could be disposed would help prevent the excessive accumulation of manure that could generate a level of odour or fly nuisance significantly detrimental to the residential amenity of those living closest to the site. An amended plan has been sought to clarify and control where on the wider landholding manure would be disposed. This plan could then be conditioned as part of any grant of consent and subsequently enforced against.

In relation to vehicle restriction, again it is likely that any such condition would prove unenforceable from a practical perspective. Should vehicles or paraphernalia become stored on site that have a harmful impact on the area, action could be taken against the landowner by way of a Section 215 notice, requiring items to be removed and the land restored to an orderly condition.

Issues in relation to bonfires are not a matter controlled or regulated by the Planning Legislation and therefore whilst an advisory note could be placed on any grant of consent, a condition preventing bonfires on site would be unenforceable. Although it is not illegal per se to burn plant material any nuisance generated could be the subject of enforcement action through legislation regulated and enforced by Natural Resources Wales and the Environmental Health Department of the Council.

#### Animal welfare

Whilst concerns regarding animal stress and welfare as a result of the site's close proximity to busy roads and reduced turn out space are acknowledged, it is noted that the proposal would provide alternative areas for supplementary feeding, watering and rest and could therefore be considered compliant with the requirements of the Code of Practice for the Welfare of Horses

issued by the Welsh Government. Matters with regards to appropriate management and welfare of animals kept on site are a matter more appropriately monitored and enforced by other agencies, such as the RSPCA and falls outside of the control of planning legislation.

Although concerns have been raised with regards to the site lacking suitable security and safety specifically with regard to the southern boundary fence not being robust enough to contain the animals, it is the applicants responsibility to ensure their animals are suitably enclosed. From a planning perspective, the fence that has been erected in conjunction with additional landscaping to be sought by condition, is deemed to be an acceptable form of enclosure for the site relative to its context.

#### Highway safety

Following consideration of the proposal and assessment of the site the Council's Highway Department has raised no objection to the application noting that the development proposes the installation of gate along the new access track at a sufficient distance not to block the public highway when vehicles have stopped to open/close the gate and a yard area sufficient in layout and size to accommodate vehicles turning to allow exit onto public highway in a forward gear. The visibility from the existing junction with the A48 has also been found to be sufficient for the current road speed (50mph) when checked against the current highway design standards.

#### Drainage

Concerns have been raised with regards to water run off from the site. As the application seeks to create a yard area finished with hardcore materials in excess of 100sqm, a sustainable drainage system will need to be installed on site to deal with surface water run off. Requirements with regards to sustainable drainage are regulated and controlled by the Council's Sustainable Drainage Approval Body.

#### Enforcement action

An objector has commented that the land the subject of the current application forms part of the Border Waste Management site which is the subject of an Enforcement Notice and questioned who is liable for compliance with the Enforcement Notice if the site has a new owner. Planning permission or enforcement notices should always relate to the land, rather than an individual. Therefore any new landowner would be responsible for ensuring compliance with the notice.

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

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

### **6.6 Conclusion**

Although the site is located in an area of open countryside where there is a general presumption against development, Policy RE6 does allow for the provision of new buildings for recreational purposes in such locations providing they are of a modest size and scale. Although the site area as a whole is modest, it is considered that subject to conditions limiting the use of the site to the applicant's own animals (thereby preventing wider livery use) and the provision of additional landscaping, the proposal would not have a significantly detrimental impact on the landscape amenity of the wider area or the residential amenity of those living closest to the site. It is also considered that the site benefits from sufficient visibility at its junction with the A48 and makes appropriate provision for on-site parking and turning to prevent the development from having a detrimental impact on the highway safety and free flow of traffic in the area.

Based on the above, the application is considered compliant with the relevant policies of the LDP and is recommended for approval subject to conditions.

## **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 stables shall be used for the private stabling and / or the use of the landowner only and shall not be used for livery or any commercial purpose.

REASON: In the interest of the visual amenity and highway safety of the area in compliance with LDP policies S13, S16, S16, EP1 and MV1.

4 Notwithstanding the details of the approved plans a native deciduous hedgerow shall be provided along the southern boundary of the site. Within 6 months of the date of this permission, details of the hedgerows to be planted on site 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 maintained as such thereafter.

REASON: In the interests of the visual amenity of the application site and wider area in compliance with LDP policies S13, S17 EP1, DES1 and G11 and NE1

5 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 G11.

6 Prior to the installation of the roof of the stables and hay store, details of rainwater goods and water butts to catch and collect all water from the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall be maintained as such thereafter.

REASON: In the interests of sustainable drainage in compliance with the requirements of LDP policy SD4.

7. The storage of manure relating to the approved use of the site shall only take place in the location shown on the drawing no. (to be agreed).

REASON: in the interests of local amenity having regards to LDP policies DES1 and EP1.

### **INFORMATIVES**

1 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 (SAB) prior to any construction work commencing. Details and application forms can be found at:

<https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>

2 No waste generated from the construction or use of the development should be burnt on site

**Application Number:** DM/2019/01186

**Proposal:** Addition of conservatory to Plot 2 of granted permission DC/2015/01588

**Address:** 34 Maryport Street, Usk, NP15 1AE

**Applicant:** Mr. Michael Farkas

**Plans:** All Existing Plans 1034(03)15 Rev E - , Location Plan 1034(01)15 - , All Proposed Plans 1034 (06)16 Rev. B - ,

**RECOMMENDATION: Acceptable**

Case Officer: Ms Lowri Hughson-Smith  
Date Valid: 02.08.2019

**This application is reported to Planning Committee following it being referred by the Council's planning application Delegation Panel. Members of the Panel requested the application be determined at full Planning Committee primarily due to the potential impact of the proposal on neighbouring properties**

**The application was initially reported to the Delegation Panel following an objection from Usk Town Council.**

**A concurrent application (DM/2019/00938) at the same site was reported to Delegation Panel that also has an objection from the Usk Town Council. Application DM/2019/00938 relates to rear elevational changes which are closely linked to this application for a conservatory; therefore, it is appropriate the applications be considered together. Application DM/2019/00938 has also been referred to Committee.**

**Since the Delegation Panel meeting the applicant has provided an updated plan which removes the proposed canopy to the conservatory approved on plot A under permission DM/2019/00256.**

## **1.0 APPLICATION DETAILS**

1.1 This is a full application for a single storey extension to a dwelling currently under construction. Planning permission was previously granted at appeal for the conversion of the building to provide two dwellings (one 3-bedroom and one 2-bedroom) and this would be facilitated by a two-storey rear extension, under application reference DC/2015/01588. The proposed conservatory is a single storey extension which measures as follows:

- o Depth: 4m
- o Width: 3.7m
- o Height: 2.5m

1.2 The proposed materials include rendered walls to match main dwelling, glazing to the rear elevation and a lantern light in the roof. The roof will be steel coloured grey to appear similar to a traditional lead finish.

1.3 The building is not listed but is near to a Grade II listed building, no. 32 Maryport Street, is within the Usk Conservation Area (Policy HE1) and in an Archaeologically Sensitive Area (ASA).

1.4 The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Floor Risk (TAN15) (July 2004).

## Site History

1.5 The site has an extensive planning history which commenced with the conversion of the whole building, known as the Old Smithy, into two separate residential dwellings. This application was refused by Monmouthshire County Council under application DC/2015/01588.

1.6 The permission was subsequently allowed at appeal. The development has commenced, and the developer has sought to make changes to the proposals during the construction phase. Earlier this year, an application was submitted on plot to the north of the site (hereafter referred to as Plot A) for the addition of a single storey conservatory, application reference DM/2019/00256. This application was approved in March 2019. The property subject to this application will be referred to as Plot B.

1.7 In parallel to this application, a Variation of Condition application has been submitted to alter the appearance of the rear elevations of both Plot A and Plot B, reference number DM/2019/00938. Application DM/2019/00938 was being reported to the delegation panel at the same time as this application to enable the changes to be viewed at the same time as the proposed conservatory since the proposals are intimately linked.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00256	Addition of a conservatory to the ground floor of plot 1. (Next door to 32 Maryport Street).	Approved	13.05.2019
DM/2019/00808	Non material amendments in relation to planning permission DC/2015/01588 - A reduction in massing of the roof and the creation of a light well.	Pending Consideration	
DM/2019/00938	Variation of condition 2 (we would like to amend the design of the rear of the property) relating to DC/2015/01588.	Pending Determination	
DM/2019/01186	Addition of conservatory to plot 2 of granted permission DC/2015/01588.	Pending Determination	
DC/2017/00093	Conversion with alterations and extension to former gallery to provide 1 no dwelling.	Application Withdrawn	
DC/2015/01588	Conversion with alterations and extensions to former gallery to provide 2 no. dwellings.	Refused Allowed on appeal	18.01.2017
DC/2017/01171	Discharge of conditions 3 and 4 from previous application DC/2015/01588 - materials and scheme of historic environment mitigation.	Approved	03.11.2017



### **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  
S17 LDP Place Making and Design

#### **Development Management Policies**

HE1 LDP Development in Conservation Areas  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
SD3 LDP Flood Risk  
MV1 LDP Proposed Developments and Highway Considerations

### **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**

The town council recommended the application be refused.

##### **MCC Heritage Officer**

The Heritage Officer has reviewed the proposals and advised the design is not considered in keeping with the conservation area and advised a design more in keeping with the conservation area should be sought.

##### **Glamorgan Gwent Archaeological Trust**

No objection subject to a condition.

##### **Usk Civic Society**

Civic Society objects to this application on the following grounds:

- o The proposed extension will further detract from the residential amenity of that property.
- o The distance between the south wall of the conservatory and the boundary fence of 36 has not been supplied but is unlikely to be more than some two metres. It is therefore likely to be visible over the 1.5m boundary fence and further to reduce the natural daylight available to 36.
- o The extension is overdevelopment and has an oppressive impact on neighbours;
- o Permitted development rights were recommended to be removed by officers in the previous application for 2no. dwellings. Since the decision for the original permission was issued by the Inspector permitted development rights were not removed. It is the Usk Civic Society's view that the recommendation of the officers to remove permitted development rights indicate the

development as originally approved was the maximum extent and that anything further was likely to be excessive.

## 5.2 Neighbour Notification

No responses received.

## **6.0 EVALUATION**

### **Principle of Development**

6.1 A conservatory extension to an existing domestic property (as approved under application) is acceptable in principle subject to other detailed planning considerations.

6.2 In this case these material considerations are:

- o Impact on the Conservation Area/Visual Impact;
- o Residential Amenity
- o Flood Risk
- o Biodiversity
- o Highways

### **Environment**

6.3 The site is located in the Usk Conservation Area and attached to a Grade II listed building, known as 32 Maryport Street. Given the historic environment, the proposed development should preserve or enhance the setting of the Conservation Area in accordance with Policy HE1 and the listed building in accordance with Planning Policy Wales 10.

6.4 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.

6.5 The proposed conservatory is located to the rear of the dwelling and, therefore, results in no alterations to the main façade on Maryport Street. Maryport Street provides the important views or vistas in the context of the Conservation Area and since this will remain unchanged the character of the area will be preserved. The introduction of the conservatory will result in minor changes to the appearance of the rear elevation, but this will not be widely visible from the key vantage points. These changes are not considered harmful and, overall, will preserve the conservation area.

6.6 The proposed extension does not directly affect the listed building given it is separated by Plot A. Plot A also has an extant permission for a conservatory which is 2m larger in depth than the extension sought in this application, approved under application DM/2019/00256. It was not considered the conservatory in application DM/2019/00256 had an adverse impact on the listed building. Given the separation of the dwelling from the listed building, the extant permission for a larger conservatory on Plot A together with the modest scale of the proposed extension, the setting of the listed building will be preserved in accordance with Planning Policy Wales 10.

6.7 The Council's Heritage Officer has reviewed the proposal and raised concerns regarding the scale of the proposals and its design. Whilst these concerns are acknowledged, a conservatory of similar size, form and proportions has been approved on the adjacent plot. Furthermore, the conservatory is to the rear of the building, modest in scale and its impact on the conservation area will not be perceivable. A refusal of the application in terms of its impact on the conservation area is not considered to be substantiated considering the nature of the proposals and the planning history.

6.8 Considering the changes to the building are concentrated to the rear of the building which are not visible from public vantage points it is concluded the proposals will preserve the conservation area, have a limited visual impact and do not adversely affect the design of the existing building in accordance with Planning Policy Wales 10, Policy HE1 and DES1.

### **Area of Archaeological Sensitivity**

6.9 The site is located in an area of archaeological sensitivity. The application for the adjacent conservatory on Plot A (approved under application DM/2019/00256) was accompanied by an Archaeological Evaluation which concluded that the surviving archaeological resource is significant but could be fully excavated and preserved by record in order to mitigate the impact of the proposed development.

6.10 GGAT have commented on the application stating that archaeological mitigation will be required and recommended that a condition be imposed which requires a written scheme of historic environment mitigation and an informative attached advising that the archaeological mitigation would should be carried out to the appropriate standard. The recommended condition and informative would be imposed in the event permission is granted.

6.11 The proposed development, subject to the relevant condition, will ensure any potential archaeological resource is protected and the development is acceptable in terms of its potential impact on archaeological resource in accordance with the requirements of Planning Policy Wales 10.

### **Residential Amenity**

6.12 The most affected dwelling is no. 36 attached to the site to the south. Other dwellings which could be affected is the new dwelling to the north and no. 32 Maryport Street beyond. The impact on these dwellings will be discussed in turn below.

#### **No. 36 Maryport Street**

6.13 The single storey extension has no side windows and offset from the common boundary with no. 36 Maryport Street by approximately 2.7m. Given the lack of windows, there would be no opportunities of for overlooking as a result of the proposed extension.

6.14 In terms of possible overbearing impact, the common boundary is currently demarcated by a fence approximately 1.5m fence in height which is located almost immediately in front of the 3no. lower ground floor windows on the side elevation of no. 36, largely obscuring them. The single storey extension, given its offset from the boundary and limited height would not result in an overbearing relationship that is worse than the current situation. Furthermore, the applicant could, under permitted development rights, provide a fence up to 2m which would further obscure the windows of no. 36.

6.15 On balance, the positioning of the extension is considered acceptable.

#### **Plot A to North**

6.16 The proposed extension will be adjacent to the already approved conservatory in relation to the attached plot to the north, albeit reduced in depth. There are no overlooking opportunities and the proposed extension would not be overbearing. The relationship on the attached plot to the north is acceptable.

#### **No. 32 Maryport Street**

6.17 The proposed extension will have no impact on the amenity of no. 32 Maryport Street given it would be separated by the already approved conservatory extension on the adjacent plot, under planning application DM/2019/00256.

6.18 Notwithstanding the above, permitted development rights have not been removed from Plot A or Plot B. As such, the applicant could build this extension without planning permission once the property is occupied. The property is not yet occupied hence permission is required since permitted development rights do not exist yet. It would not reasonable to recommend refusal for the application considering this position.

6.19 The proposed extension, owing to its modest scale, height and limited openings, will not have an adverse impact on neighbour amenity and accords with Policy EP1.

### **Flood Risk**

6.20 The site is in a C1 flood zone which is a high-risk flood zone served by flood defences. The original application for the 2no. dwellings, reference DC/2015/01588, was supported by an FCA which was assessed by NRW. NRW concluded the development was acceptable subject to the finished floor levels being set no lower than 17.3m above ordnance datum. To ensure the proposed extension is also acceptable in flood risk terms a condition will be imposed to ensure the proposed floor level is no lower than 17.3m AOD.

6.21 Considering the planning history and on the basis the development is limited in size and does not introduce a new use, the extension is considered to have a neutral impact in terms of flood risk and, subject to the condition securing the minimum floor levels, the development is in accordance with TAN 15 and Policy SD3.

### **Biodiversity**

6.22 The property is currently under construction and internal is basically a shell. Given the level of works being undertaken, there is unlikely to be any ecological features at the site. No further information in respect of bats is deemed necessary and the proposal is unlikely to result in an adverse impact on biodiversity. The proposed development is considered to accord with Policy NE1.

6.23 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.

### **Highways**

6.24 The addition of a conservatory does not require additional parking requirements and, therefore, the proposal will have no impact on highway safety in accordance with Policy MV1.

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

6.25 The Usk Civic Society raised the following concerns which will be addressed in turn below:

#### **The addition of further built form, at a height of over 2 metres, with a solid wall facing towards the kitchen window of 36 Maryport Street, will further detract from the residential amenity of that property**

6.26 As discussed above, the common boundary at the site is a fence at least 1.5m in height immediately adjacent to the 3no. lower ground windows at no. 36 largely obscuring them. The proposed extension will be 2.5m in height and offset from the boundary which is not considered to have an impact which is significantly worse than the existing situation. Notwithstanding this, the applicant could under permitted development rights construct a fence to a maximum of 2m and therefore the implementation of this proposed extension would not be significantly higher than such a boundary enclosure and indeed, would be off-set, 2.7m from the boundary.

#### **The distance between the south wall of the conservatory and the boundary fence of 36 has not been supplied but is unlikely to be more than some two metres. It is therefore likely to be visible over the 1.5m boundary fence and further to reduce the natural daylight available to 36.**

6.27 The proposed conservatory will be partially visible but given the position of the fence and the offset of the conservatory it is not considered harmful.

#### **The extension is overdevelopment and has an oppressive impact on neighbours**

6.28 The proposed development, as discussed above, would fall under permitted development if the dwelling was occupied. The Inspector, who allowed the original permission, did not consider it necessary to remove permitted development rights indicating the proposed development including its permitted development rights was suitable for the plot.

**Permitted development rights were recommended to be removed by officers in the previous application for 2no. dwellings.**

6.29 Since the decision for the original permission was issued by the Inspector permitted development rights were not removed. It is the Usk Civic Society's view that the recommendation of the officers to remove permitted development rights indicate the development as originally approved was the maximum extent and that anything further was likely to be excessive.

6.30 As mentioned by the Civic Society, the permitted development rights have not been removed and this was a decision made by the Inspector which is binding on the Local Planning Authority.

6.31 Notwithstanding this, the removal of permitted development rights is not a blanket restriction preventing the applicant or future occupiers from extending or altering the dwelling at all. The restriction of permitted development rights requires all works proposed to the dwelling to gain express planning permission. As such, control in terms of any additional development site lies with the Local Planning Authority.

6.32 It is for the Local Planning Authority to consider each application on its own merits and whether there is an adverse impact in planning terms. The proposed extension that is the subject to the application has been considered thoroughly in the context of material planning considerations and concluded the impact of the development is acceptable and in accordance with the Local Development Plan.

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

6.34 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**

6.35 The proposed conservatory extension is modest in scale and located to the rear of the property resulting in minimal changes which are visible from public vantage points. The proposal successfully preserves the character and appearance of the conservation area and has an acceptable visual impact in accordance with LDP policies HE1 and ES1.

6.36 The impact on neighbouring properties has been fully assessed and there is no adverse impact as a result of the proposals in accordance with Policy EP1.

6.37 The proposals have an acceptable impact in terms of flood risk in accordance with Policy SD3 and will have a neutral impact on highway safety in accordance with Policy MV1.

6.38 The proposal is compliance with the Monmouthshire Local Development Plan and recommended for approval.

**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 Finished floor levels shall be no lower than 17.3 metres above Ordnance Datum (AOD).

REASON: To prevent flooding in accordance with Technical Advice Note 15 and LDP Policy SD3,

4 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.

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

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

## **INFORMATIVES**

1 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an MCIfA level accredited Member.

## MONMOUTHSHIRE COUNTY COUNCIL COMMITTEE REPORT

**SUBJECT:** Confirmation Report: Tree Preservation Order (TPO) MCC278 (2019) – Hollycroft, Midway Lane, Abergavenny.

**DEPARTMENT:** Enterprise.

**MEETING:** Planning Committee

**Date to be considered:** 1<sup>st</sup> October 2019.

**DIVISION/WARDS AFFECTED:** Mardy

**1. PURPOSE**

To consider the confirmation of provisional Tree Preservation Order number MCC278 (2019). Hollycroft, Midway Lane, Abergavenny.

**2. RECOMMENDATION**

That the County Council confirms Tree Preservation Order No. MCC278 (2019) – Hollycroft, Midway Lane, Abergavenny without modification.

**3. REASONS**

- a) The trees to which this Tree Preservation Order (the Order) relates are growing on land in the ownership of Mr and Mrs Hall of Hollycroft, Midway Lane, Mardy, Abergavenny.
- b) The land around the house measures approximately 1.2 hectares and consists mainly of an overgrown formal garden plus a large paddock to the west of the house. The land contains many trees.
- c) In April of 2019 we received an enquiry from a Cardiff based planning consultancy asking if any trees at the site were protected. This raised concerns over the possible intention to develop this land before the Council had an opportunity to evaluate the tree stock. It was therefore deemed expedient to place an Area Order over the whole site. The effect of an Area Order is to protect all trees on a site regardless of their suitability for inclusion. The Order was issued on 30<sup>th</sup> April 2019. As the house appeared unoccupied at the time, copies of the Order were attached at prominent locations on the site and a further copy was posted through the front door. In line with the requirement of the law, copies were also sent to neighbouring properties which share a common boundary with the land to which the Order relates. A deadline for objections or representations to the Order was included in the covering letters. The deadline expired on 29<sup>th</sup> May 2019. Please note that this deadline is not mandatory and local planning authorities are able to accept late submissions after the expiry date.

- d) Mr and Mrs Hall the owners of the land contacted me to request a site meeting to discuss the content of the Order and in particular which trees it related to. A site meeting was held with Mr and Mrs Hall on 2<sup>nd</sup> July 2019. I explained the reasons for issuing the Order which appeared to be accepted. Mr and Mrs Hall denied any knowledge of the initial enquiry from a planning consultancy therefore it was deemed as merely speculative. I asked the landowners if they had any intention to dispose of part or all of the land for development and was told that the intention was for them to live at the property. Being mindful of their wish to start work on the restoration of the garden, which is very overgrown, and being satisfied that there appeared to be no intention to develop the land, I agreed to which trees may be removed without an application and confirmed that overgrown shrubs were not subject to the Order.
- e) On 7<sup>th</sup> May 2019 we received an email from a local resident expressing support for the Order **(See Item 1)**
- f) On 17<sup>th</sup> June 2019 we received an objection to the Order from Mrs Hall on the grounds that many trees benefitting from protection did not merit inclusion within the Order. **(See Item 2)**
- g) On 21<sup>st</sup> August 2019 we received a further email from Mrs Hall to advise that she was having a professional tree survey carried out to support the objection and enquiring if it could be included as a late submission. **(See Item 3)**
- h) On 28<sup>th</sup> August 2019 we received a further enquiry from the developer Edenstone Homes requesting a copy of the Order. This suggested that due to increased interest from developers there may be an intention to dispose of all or part of this land. Note my question to Mr Richard Kelso of Edenstone and Mr Kelso's reply (both highlighted in yellow). If true, it would appear to support the Council's decision to issue the Order and would serve to contradict Mr and Mrs Hall's earlier assertion that the land would not be developed. **(See Item 4)**

5. **RELEVANT POLICIES**

The protection of trees at this site is in accordance with **Strategic Policy S13** – *Landscape, Green Infrastructure and the Natural Environment*.

6. **CONSULTEES**

Cllr. Malcolm Lane



## 7. BACKGROUND PAPERS

- 1/ Email dated 7<sup>th</sup> May 2019 – support comment.
- 2/ Email dated 17<sup>th</sup> June 2019 – Initial objection.
- 3/ Email dated 21<sup>st</sup> August 2019 – supporting information to initial objection.
- 4/ Email dated 2<sup>nd</sup> September from Edenstone Homes.
- 5/ Map showing extent of Order.
- 6/ Aerial photograph of the site.

- **AUTHOR** Jim Keech, Tree Officer.
- **CONTACT DETAILS:** Tel: 01633 644962
- E-mail [jimkeech@monmouthshire.gov.uk](mailto:jimkeech@monmouthshire.gov.uk)
- Date – 18th September 2019

:

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1

**Support Comment**

To: MCC - Planning <[Planning@monmouthshire.gov.uk](mailto:Planning@monmouthshire.gov.uk)>  
Subject: Tree Preservation order, Midway Lane, NP7 6NE

Hi, I live at 14 Midway Lane, Mardy and noticed a sign for a new tree preservation order on the trees around the property across the road, last week , which I'm really pleased about. I believe one of the trees is a sequoia, it's opposite my house, and was wondering if this was covered by the TPO, the notice has been removed from the gate of Hollycroft and I have been unable to find any details online.

Would appreciate some information about this, Thanks Sarah Hughes

Sent from my iPad

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**2**

**Initial objection 17<sup>th</sup> June 2019**

-----Original Message-----

From: Joanna Leonard [REDACTED]

Sent: 17 June 2019 15:11

To: Keech, Jim <[JimKeech@monmouthshire.gov.uk](mailto:JimKeech@monmouthshire.gov.uk)>

Cc: Matthew Hall [REDACTED]

Subject: FORMAL OBJECTION - Tree Preservation Order MCC278 (2019)

Dear Mr Keech.

I write to state my objection to the tree preservation order on the whole of the Hollycroft site in the Mardy. I note this is a provisional order for the next 6 months.

The reason for the objection being that, apart from the Wellingtonia, we do not believe there are trees of significant quality in the designated area.

Please confirm that our objection has been noted.

Kind regards

Joanna Hall

(on behalf of Matthew Hall)

**3**

**Email from Mrs Hall 21<sup>st</sup> August 2019.**

> From: Joanna Leonard [REDACTED]  
> Sent: 21 August 2019 10:55  
> To: Keech, Jim <[JimKeech@monmouthshire.gov.uk](mailto:JimKeech@monmouthshire.gov.uk)>  
> Subject: Re: FORMAL OBJECTION - Tree Preservation Order MCC278 (2019)  
>  
> Dear Mr Keech,  
>  
> We are having a tree survey and condition report done to support our view that a blanket TPO is unwarranted for this site.  
>  
> Please tell me by which date you would need to receive this report.  
>  
> Kind regards  
>  
> Joanna Hall

**Tree Officer Response 2<sup>nd</sup> September 2019**

Dear Mrs Hall

>  
> Thank you for your email and please accept my apologies for the delay in responding to you but I have been on annual leave.  
>  
> I am happy to receive a formal objection to this Order and would welcome any submission you would wish to make. The Order, which is provisional only, has to be confirmed or otherwise by the expiry of the six month period i.e. by 30th October.  
>  
> I would have to submit a report to the Planning Committee for their October meeting. (Planning Committee meets monthly on the first Tuesday which in this case will be 1st October 2019).  
>  
> Committee reports have to be submitted one week prior to the meeting in order for them to be disseminated to Members for their perusal. This will be on 24th September 2019. In order for me to ensure that my report is completed and includes any objection you intend to make, I will have to place a deadline for submission from you of 17th September 2019.  
>  
> Kind regards  
>  
> Jim Keech  
> Tree Officer/Swyddog Coed (part time Mon. Tues. & Weds)  
> Heritage/Treftadaeth Tree Preservation Orders. Conservation Areas,  
> Development & Hedgerows Monmouthshire County Council / Cyngor Sir  
> Fynwy  
> Tel/ffôn: 01633 64 (4962)  
> [ilmkeech@monmouthshire.gov.uk](mailto:ilmkeech@monmouthshire.gov.uk)  
>  
> Any personal information disclosed to us will be processed in accordance with our Privacy Notice.

4

Yes she is. She's approached us and a few other parties I believe.

**Richard Kelso MRICS**

Land Director

Edenstone Group

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Building 102, Wales One Business Park

Magor NP26 3DG

t: 01291 674800

m: 07428 112897

e: [rkelso@edenstonegroup.com](mailto:rkelso@edenstonegroup.com)



Registered in England & Wales Company No: 06397071 / VAT No: 927 2479 01  
Edenstone Homes is a trading name of Edenstone Homes Ltd Registered office  
address: Building 102, Wales One Business Park, Magor NP26 3DG

**From:** Keech, Jim [<mailto:JimKeech@monmouthshire.gov.uk>]

**Sent:** 02 September 2019 11:57

**To:** Richard Kelso <[RKelso@edenstonegroup.com](mailto:RKelso@edenstonegroup.com)>

**Subject:** RE: TREE PRESERVATION ORDER MCC 278 (2019) - LAND AT HOLLYCROFT, MIDWAY LANE,  
ABERGAVENNY

Hi Richard

Just as a matter of interest is the landowner intending on selling the land for development?

Kind regards

Jim

*Jim Keech*

**Tree Officer/Swyddog Coed** (part time Mon. Tues. & Weds)

**Heritage/Treftadaeth**

Tree Preservation Orders. Conservation Areas, Development & Hedgerows

Monmouthshire County Council / Cyngor Sir Fynwy

Tel/ffôn: 01633 64 (4962)

[jimkeech@monmouthshire.gov.uk](mailto:jimkeech@monmouthshire.gov.uk)

Any personal information disclosed to us will be processed in accordance with our [Privacy Notice](#).

**From:** Richard Kelso [<mailto:RKelso@edenstonegroup.com>]

**Sent:** 02 September 2019 11:46

**To:** Keech, Jim <[JimKeech@monmouthshire.gov.uk](mailto:JimKeech@monmouthshire.gov.uk)>

**Subject:** RE: TREE PRESERVATION ORDER MCC 278 (2019) - LAND AT HOLLYCROFT, MIDWAY LANE, ABERGAVENNY

Thanks Jim. The map will suffice for now. I'll come back to you if I need anything further.

**Richard Kelso MRICS**

Land Director

Edenstone Group

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Building 102, Wales One Business Park

Magor NP26 3DG

t: 01291 674800

m: 07428 112897

e: [rkelso@edenstonegroup.com](mailto:rkelso@edenstonegroup.com)



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/06/19

gan Richard E. Jenkins BA (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.09.2019

## Appeal Decision

Site visit made on 17/06/19

by Richard E. Jenkins BA (Hons) MSc  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18.09.2019

**Appeal Ref: APP/E6840/A/19/3226382**

**Site address: 24 Belgrave Road, Abergavenny, NP7 7AL**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Owen Dobbs against the decision of Monmouthshire County Council.
- The application Ref: DM/2018/01610, dated 2 October 2018, was refused by notice dated 1 February 2019.
- The development is proposed new dwelling.

## Decision

1. The appeal is dismissed.

## Main Issues

2. These are: whether the development represents an acceptable form of development having regard to its flood zone location; and whether a financial contribution towards affordable housing is necessary.

## Reasons

### ***Development and Flood Risk***

3. The appeal site is located within the Zone C2 flood zone, as defined by the Development Advice Maps associated with Technical Advice Note 15: *Development and Flood Risk* (2004) (TAN15). The development proposed also represents highly vulnerable development for the purposes of that document. Paragraph 6.2 of TAN15 states that new development should be directed away from Zone C and towards suitable land in Zone A, otherwise to Zone B, where river or coastal flooding would be less of an issue. It also goes on to state that, in Zone C, the tests outlined in sections 6 and 7 of the TAN will be applied, recognising however, that highly vulnerable development in Zone C2 should not be permitted.
4. Notwithstanding the clear and obvious in-principle conflict with TAN15, the appellant has submitted a Flood Consequence Assessment (FCA) to demonstrate the practical consequences of a flooding event. That document concludes, amongst other things, that the site would only flood in the most extreme flooding events and that the site would remain flood free for the vast majority of flooding events during the lifetime of the proposed development. Nevertheless, the requirement for an FCA stems from the

tests set out in paragraph 6.2 of TAN15 which relate to all other new development and do not, therefore, apply to proposals for highly vulnerable development within a Zone C2 location. Accordingly, I do not consider the in-principle policy conflict to be justified by the appellant's application of the criteria set out at paragraph 6.2 of TAN15 which, amongst other things, requires the practical consequences of a flooding event to be found acceptable.

5. I recognise the fact that Natural Resources Wales (NRW) does not explicitly object to the proposed development. Indeed, it concluded that the consequences of a flooding event could be managed to an acceptable level through the imposition of planning conditions. Nevertheless, NRW has confirmed its understanding that the justification tests set out within paragraph 6.2 of TAN15 do not apply to highly vulnerable development proposed within Zone C2 and it remains a matter for the decision maker to attribute necessary weight to the in-principle policy conflict. It is for this reason that NRW's representations do not persuade me to alter my overall conclusions. I note the fact that the site has previously benefited from a grant of planning permission for a residential dwelling and I have considered the fact that the proposed development would represent a form of infill development. However, the former planning permission has since expired without implementation and does not therefore represent a lawful fallback position. Moreover, given the fact that the existing dwellings within the vicinity are likely to have been permitted under a different policy framework, I do not consider that they weigh heavily in favour of the development.
6. Based on the foregoing, I conclude that the proposed development is unacceptable in principle given its status as highly vulnerable development within a C2 Flood Zone. It would therefore represent a clear departure from national planning policy set out in Planning Policy Wales (Edition 10, 2018) (PPW) and TAN15. For the same reasons, it would also run counter to the general thrust of Policy SD3 of the adopted Monmouthshire County Council Local Development Plan 2011- 2021 (2014) (LDP).

### ***Affordable Housing***

7. It is a basic principle of Policy S4 of the adopted LDP that all residential developments should make a contribution to the provision of affordable housing. In this case, the contribution has been calculated as a financial contribution amounting to £22,060. No Section 106 agreement or unilateral undertaking has been submitted to facilitate the delivery of such affordable housing contributions and I have not seen any cogent evidence to demonstrate that the proposed development would be exempt from such contributions by reason of financial viability or the self-builders' exemption provided by Section B.2. of the Council's adopted Supplementary Planning Guidance document entitled '*Affordable Housing*'. The development proposed therefore conflicts with the aims of both Policy S4 of the adopted LDP and the general thrust of national planning policy set out in PPW and Technical Advice Note 2: *Planning and Affordable Housing* (2006) (TAN2).

### ***Overall Conclusions***

8. For the aforementioned reasons, I have found that the proposed development would conflict with both adopted development plan and national planning policy relating to both flood risk and the delivery of affordable housing. Such harm and policy conflict is not outweighed by the matters in favour of the development, including the obvious contribution that the development would make to the Council's housing land supply. Indeed, the matters that weigh against the proposed development amount to a compelling reason why planning permission should not be granted in this instance and it is for this reason that I conclude that the appeal should be dismissed.

9. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/08/19

gan Richard E. Jenkins BA (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.09.2019

## Appeal Decision

Site visit made on 06/08/19

by Richard E. Jenkins BA (Hons) MSc  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 13.09.2019

**Appeal Ref: APP/E6840/A/19/3230142**

**Site address: Land at Rear of Rosebrook, Watery Lane, Monmouth, NP25 5AT**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Darren Morgan against the decision of Monmouthshire County Council.
- The application Ref: DM/2018/01872, dated 6 November 2018, was refused by notice dated 17 May 2019.
- The development proposed is 3 new detached market dwellinghouses with associated garage(s), car parking, access driveways and landscaping.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. During the processing of the appeal, a Section 106 agreement was submitted to facilitate the requirement to make necessary affordable housing contributions.

## Main Issue

3. This is the effect of the proposed development upon the character and appearance of the area.

## Reasons

4. The appeal relates to an undeveloped parcel of land located to the rear of an existing residential dwelling known as Rosebrook, which is located along Watery Lane in Monmouth. The site incorporates a number of mature trees that are the subject of Tree Preservation Orders (TPOs) and benefits from an extant planning permission for the erection of two detached residential dwellings. The appeal proposal seeks planning permission for three residential dwellings, although the Council objects to the scheme on the basis that it would detract significantly from the visual amenity of the area. Given that the principle of development has already been established by the extant planning permission, I shall confine my reasoning to this principal matter of dispute.
5. It was clear at the time of my site inspection that, whilst the appeal site backs on to a densely arranged residential estate, by reason of the principal means of access off Watery Lane, and the natural vegetation that borders the site, the appeal site has a

greater affinity to the environs at Watery Lane. It is therefore against this context that I consider the visual impact of the appeal proposal should be assessed.

6. There is little doubt that Watery Lane incorporates a predominantly rural character, with the residential dwellings located within the area generally comprising substantial detached properties set within spacious plots. The properties are typically scattered in a sporadic fashion, without a uniform building line. It is notable however that the properties generally front the public highway along Watery Lane. Within this context, and bearing in mind the aforementioned fall-back position established by the extant permission, I consider that the principle of residential development being set behind the building line of Rosebrook would be visually acceptable. It is also worth noting that the detailed design of the proposed dwellings would not individually conflict with the design of the other properties located along Watery Lane, not least because of the broad range of architectural designs that influence the overall character of the area.
7. Nevertheless, given the combination of the central siting of Rosebrook within the appeal site and the scattered siting of the mature trees on the site, the development of the three residential properties as proposed would inevitably result in a scheme that would have a contrived layout, contrary to the sporadic pattern of development described above. Specifically, Plot No.2 would not only be located behind the established building line of Rosebrook, but would also be located behind the severed dwelling. As a consequence, and notwithstanding the proposed orientation of that property, the development would appear as 'backland development' as opposed to a spacious plot fronting Watery Lane. The dwellings at Plot Nos.2 and 3 would also be located within close proximity to each other, as well as within close proximity to the mature trees. This would exacerbate the aforementioned concerns and result in a development that would have a cramped and contrived appearance. It is for these reasons that I consider that the development would injuriously alter the prevailing character of Watery Lane.
8. I have fully considered the lawful fall-back position arising from the extant planning permission at the site. However, it is notable that that permission was in outline only, with details to be determined through a subsequent reserved matters application. Nonetheless, the increase from two to three dwellings is significant and, when considered alongside the constraints of the site, is sufficient to materially differentiate the visual impact of the two schemes. I have given thought to the importance of ensuring an efficient use of development land. However, the most up to date expression of national policy set out in Planning Policy Wales (Edition 10, 2018) is clear that such matters need to be carefully considered within the context of place making and the preservation of the special and distinctive characteristics of places. I do not therefore consider that such matters should be determinative in this case.
9. Based on the foregoing, I conclude that the proposed development would cause material harm to the character and appearance of the area. As such, it would conflict with Criterion L of Policy DES1 of the adopted Monmouthshire County Council Local Development Plan (2014) (LDP) which requires all new development to ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling. There is little doubt that the development would make a positive contribution to the local housing market and the fact that the submitted Section 106 agreement would deliver affordable housing contributions weighs further in favour of the proposal. I am also advised that the proposed scheme represents a betterment in respect of protected Tree 8 relative to the approved scheme. Nevertheless, such matters do not either individually or collectively outweigh the significant harm that would arise in terms of

the effect on the character and appearance of the area, which represents a compelling reason why planning permission should be withheld in this instance.

10. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 06/08/19

gan Richard E. Jenkins BA (Hons) MSc  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.09.2019

## Appeal Decision

Site visit made on 06/08/19

by Richard E. Jenkins BA (Hons) MSc  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11.09.2019

**Appeal Ref: APP/E6840/A/19/3230160**

**Site address: Star Road, Nant y Derry, Goytre, Monmouthshire, NP4 0AA**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M. A. J. Fodden against the decision of Monmouthshire County Council.
- The application Ref: DC/2017/01375, dated 24 November 2017, was refused by notice dated 7 March 2019.
- The development proposed is the change of use from agriculture to Transport Yard – extension to existing Transport Yard to accommodate an additional 6 tractor units and 3 trailers.

## Decision

1. The appeal is dismissed.

## Main Issues

2. These are the effect of the proposed development upon: highway safety; and the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of noise and general disturbance.

## Reasons

3. Local Planning Authority (LPA) planning application Ref: DC/2006/01317 granted planning permission for the change of use of the land at Star Road to a transport yard, subject to the imposition of planning conditions. Specifically, it was conditioned that no more than 2 lorries and 2 trailers were to operate from the site unless otherwise agreed in writing by the LPA. The current appeal proposal seeks retrospective planning permission, under Section 73A(2)(a) of the above Act, to extend the existing transport yard and to enable an additional 6 tractor units and 3 trailers to operate from the site.

### *Highway Safety*

4. I was able to confirm at the time of my site inspection that, by reason of the scale, layout and overall geometry of the access to the appeal site, it would not be possible for large vehicles to access the site directly from the north east along Star Road without undertaking difficult manoeuvres along the public highway. The Council has raised concerns regarding such large vehicles reversing onto the land and, having regard to the width, alignment and general design of Star Road, as well as the speed in which vehicles pass the site, I share such concerns.

5. I note the lawful fall back position provided by the extant planning permission. However, there is no doubt that the appeal scheme seeks to intensify the lawful use of the site and such an intensification of use would clearly increase the threat to public safety. Indeed, notwithstanding the foregoing access concerns, I am mindful that various sections of Star Road give rise to difficult highway conditions by reason of its width, alignment and various concealed entrances. I was also able to observe at the time of my site visit that such conditions can be exacerbated by the speed of traffic travelling along the highway. The use of large vehicles at the scale proposed would clearly accentuate such highway conditions, to the detriment of highway safety.
6. I have fully considered the Transport Statement submitted in support of the appellant's case and note the fact that the Local Planning Authority (LPA) has not prepared its own Transport Statement or provided detailed evidence on traffic flows. Nevertheless, the LPA has given reasons for its conclusions and, based on my own findings, I consider the LPA's concerns to be well-founded. Indeed, the evidence set out in the Transport Statement does little to alleviate the foregoing concerns and any assertions that the business has been operating at the proposed level without any harm appear to be contradicted by the significant concerns raised within interested party representations.
7. I recognise that large vehicles will continue to utilise Star Road regardless of the outcome of this appeal. However, as the appeal proposal would materially increase the numbers of large vehicles utilising the road, I do not consider such a matter to weigh heavily in favour of the appeal proposal. Similarly, I do not consider the accident data submitted to justify the development. I have considered whether the aforementioned concerns could be mitigated through the imposition of suitably worded planning conditions, although I have not seen anything to lead me to believe that such matters could be addressed by such means. I note the appellant's contention that a planning condition could prevent vehicles from entering the site from the north. However, I have not been provided with a worked out scheme and, in the absence of any evidence to the contrary, I have concerns regarding the practicalities of providing and enforcing such a suggestion.
8. I therefore conclude that the proposed development would represent a material threat to highway safety along Star Road. The development would therefore conflict with the general thrust of Policy MV1 of the adopted Monmouthshire County Council Local Development Plan (2014) (LDP).

### ***Living Conditions***

9. The Council's Environmental Health professionals requested through the planning application process that, given the nature and scale of the proposed use, as well as the proximity of the site to noise sensitive receptors, a noise mitigation strategy be submitted in order to assess the impact of the scheme. No such strategy or wider noise assessment has been submitted and, given that background noise levels within what is a countryside location could potentially be low, I concur with the Council's view that such evidence would be necessary to properly assess the impact of the development on the occupiers of neighbouring residential properties.
10. I have considered whether such matters could be addressed through a conditional requirement to submit a scheme to control noise levels emanating from the site. However, given that operating noise and mitigation levels are unknown, I do not consider that it would be appropriate for such a fundamental matter to be addressed in such a manner. I note the lawful fall-back position provided by the extant planning permission. However, given that the intensification of use would clearly have potential

to materially alter the levels of noise emanating from the site, I do not consider this to justify the development proposed in this case. Indeed, the evidence submitted by interested parties appears to corroborate the Council's view that the increase in the numbers of vehicles operating from the site has resulted in increased levels of noise and general disturbance.

11. Based on the foregoing, I conclude that the available information does not enable a proper assessment of the extent to which local residents would experience a change in the environment relative to the lawful fallback position. I therefore consider that the scheme has potential to give rise to noise disturbances that could unacceptably harm the living conditions of the occupiers of neighbouring residential properties, contrary to the general aims of Policy EP1 and criterion (b) and (d) of Policy DES1 of the adopted LDP.

### ***Other Matters and Overall Conclusions***

12. In addition to the foregoing matters, the Council objects to the proposed development on the basis that a landscaping scheme has not been provided to screen the 2.4 metre steel palisade boundary fence of the compound which is considered to be out of keeping with its countryside setting. However, some planting had been undertaken by the time I had visited the site and I am satisfied that such matters could be addressed via the imposition of a planning condition. Therefore, for the avoidance of any doubt, I have not afforded any weight to such concerns in the determination of this appeal.
13. I have fully considered the appellant's contention that the development is necessary to meet the demand to haul goods and note the contribution that the development would make to the local economy. Indeed, I have considered such matters within the context of both local and national policy relating to such matters, including Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 23: *Economic Development* (2014). Nevertheless, such matters need to be weighed against the identified harm and, in this respect, I consider the matters against the proposal to represent a compelling reason why planning permission should be withheld in this instance.
14. For this reason, and having considered all matters raised, I conclude that the appeal should be dismissed. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR

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