

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday 21st May 2021

Notice of meeting:

Planning Committee

Tuesday, 1st June, 2021 at 2.00 pm
Remote Meeting

AGENDA

Item No	Item	Pages
1.	Election of Chair.	
2.	Appointment of Vice-Chair.	
3.	Apologies for Absence.	
4.	Declarations of Interest.	
5.	To confirm for accuracy the minutes of the previous meeting.	1 - 10
6.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
6.1.	Application DM/2019/01495 - Construction of two dwellings together with formation of car parking (Amended description 14/01/2020). The Tan House Inn, Shirenewton.	11 - 24
6.2.	Application DM/2020/00390 - Change of use of existing agricultural building to B1 use. Gaerllwyd Farm, Gaerllwyd Farm To Gethley Road Newchurch, Devauden Chepstow.	25 - 38
7.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received.	
7.1.	Appeal Decision - Cwmgyst, Pentre Lane, Abergavenny.	39 - 44

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Ruth Edwards	Llantilio Crossenny;	Welsh Conservative Party
County Councillor Peter Clarke	Llangybi Fawr;	Welsh Conservative Party
County Councillor Jeremy Becker	St. Mary's;	Liberal Democrats
County Councillor Louise Brown	Shirenewton;	Welsh Conservative Party
County Councillor Alan Davies	Green Lane;	Independent
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor David Evans	West End;	Welsh Labour/Llafur Cymru
County Councillor Mat Feakins	Drybridge;	Welsh Conservative Party
County Councillor Roger Harris	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jim Higginson	Severn;	Welsh Labour/Llafur Cymru
County Councillor Giles Howard	Llanfoist Fawr;	Welsh Conservative Party
County Councillor Paul Jordan	Cantref;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Castle;	Welsh Conservative Party
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party
County Councillor Sheila Woodhouse	Grofield;	Welsh Conservative Party

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Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon on Thursday 27th May 2021. Details regarding public speaking can be found within this agenda

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 may be viewed online by visiting the link below.

<https://democracy.monmouthshire.gov.uk/ie/ListMeetings.aspx?Committeeld=141>

This will take you to the page relating to all Planning Committee meetings. Please click on the relevant Planning Committee meeting. You will then find the link to view the meeting on this page. Please click the link to view the meeting.

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.

Planning policy context

Future Wales – the national plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales – the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Monmouthshire's Local Development Plan (LDP) sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over a 10 year period to 2021. The plan area excludes that part of the County contained within the Brecon Beacons National Park. It has a fundamental role in delivering sustainable development. In seeking to achieve this it sets out a framework for the development and use of land and for the protection of the environment. It also guides and facilitates investment decisions as well as the delivery of services and infrastructure. It determines the level of provision and location of new housing, employment and other uses and sets the framework for considering all land use proposals during the plan period. 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
- Affordable Housing Supplementary Guidance July 2019
- Infill Development Supplementary Guidance November 2019

National Planning Policy

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

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition10 (at time of publication)
- 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.

Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

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. **The conventional protocol has been modified to allow public speaking via pre-recorded videos.**

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video. 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. This will also be via a pre-recorded video.

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. 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.

Once the request to speak has been registered by the Council the speaker must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration. If the third party does not wish to record a video they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below.

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

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.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting.
- 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 submit a video of their response of up to 5 minutes in duration.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - Speakers may speak only once.
 - Committee Members may then raise technical questions with officers.
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- Planning Committee members will then debate the application, commencing with the local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Where an objector or supporter or applicant/agent community or 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's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who

proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.

- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
-
- 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.

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Public Document Pack **Agenda Item 5**

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm

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

County Councillors: L. Brown, A. Davies, A. Easson, D. Evans, M. Feakins, R. Harris, J. Higginson, G. Howard, P. Murphy, M. Powell, A. Webb and S. Woodhouse

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Denzil – John Turbervill	Commercial Solicitor
Richard Williams	Democratic Services Officer

APOLOGIES:

None received.

1. HRH The Prince Philip, Duke of Edinburgh

Before commencing proceedings the Chair, on behalf of the Planning Committee, paid tribute to His Royal Highness The Prince Philip, Duke of Edinburgh who had recently passed away. As a mark of respect the Planning Committee held a minute's silence.

2. Declarations of Interest

None received.

3. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 2nd March 2021 were confirmed and signed by the Chair subject to the following amendments:

Application DM/2020/00881 – Page 5, bullet point 6 be amended to read:

- None of the original applicant's estate agent's valuation of £200,000 took account of the overage condition that the applicant was placing on the property when offering it for sale. It means that there is equivalent to a penalty clause on the land if a buyer purchased it for £140,000 rather than £185,000 they would still have to pay the seller the uplift if the agricultural tie was removed or the property extended in the next 35 or 50 years, meaning the buyer would have to pay the seller in the region of £40,000 if the new buyer gained permission to remove the agricultural occupancy condition.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm

4. Application DM/2020/00720 - The erection of a two-storey, two-bedroom house in the parking lot at the rear of 11 Bank Street, Chepstow. 11 Bank Street, Chepstow, NP16 5EN

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to the additional conditions outlined in late correspondence, as well as being subject to a Section 106 Legal Agreement.

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

- The site will lend itself to the proposed development.
- Concern was expressed that the proposed development does not respect the character of the Grade II listed building and historical buildings in the area. It is a backfill site landlocked by a public car park and is out of character with surrounding properties.
- Approval of the application could lead to the displacement of up to seven vehicles from the existing properties.
- Concern was expressed that approval of the application would result in overdevelopment of the site.
- It was considered that the application does not constitute successful placement making.
- It was considered that emergency vehicles would have difficulty accessing the site if the application was approved.
- The site was considered to be a sustainable location and approval of the application would enhance the area.
- The Highways Department had expressed concern that the retail parking spaces will be lost.
- The Development Management Area Team Manager informed the Committee that officers are satisfied that there are no concerns relating to overlooking. There is a distance of 28 metres from the rear of 11 Bank Street to the listed building to the proposed unit. The impact on the listed building is considered acceptable. With regard to the design, the test is to preserve or enhance. It has been designed with a reduction in the scale and size of the building and its height being in line with the other buildings nearby. Therefore, the application complies with the Supplementary Planning Guidance (SPG). Currently, the site does not have a formal parking layout. However, given the sustainable location, the site is adjacent to an existing car park and is in walking distance to the railway station. It does not comply with the parking standards but there are mitigating factors which make the application acceptable.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2020/00720 be approved subject to the conditions outlined in the report and subject to the additional conditions outlined in late correspondence, as well as being subject to a Section 106 Legal Agreement.

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

For approval	-	9
Against approval	-	4
Abstentions	-	0

The application was approved.

We resolved that application DM/2020/00720 be approved subject to the conditions outlined in the report and subject to the additional conditions outlined in late correspondence, as well as being subject to a Section 106 Legal Agreement.

5. Application DM/2020/01076 - Use of existing agricultural dutch barn for the storage of cars. Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk

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

Llangybi Fawr Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'Until recently the applicant has been using this barn, contrary to planning regulations, as a base for his motor trading business, openly advertising it on websites and social media. This activity only stopped after the applicant was served with an enforcement order, one of several enforcement actions taken against this applicant. There has been no suggestion in the past that the applicant is an enthusiast and collector of motor cars. In any case, we would suggest that there is a fine distinction between a private collector of motor cars who buys and sells vehicles to enhance their collection and a commercial trader operating for profit.

If the committee is minded to approve this application, (and we accept that there appear to be no planning reasons not to), we would respectfully urge them to impose tight conditions on the use of this commercial building – we hesitate to call it a barn as it has never been used for any agricultural purpose. We endorse the conditions suggested by the planning officer in her report, but would be happier with a lower limit on the number of vehicles.'

The applicant's agent, Sullivan Land and Planning, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

'The Community Council appear to be confusing this with a previous withdrawn application for the cattle shed (2020/00072) to the north, which was the subject of

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm

enforcement action against a tenant who traded vehicles from those premises without the authority of the applicant and in contravention of his lease.

It should be noted that the Dutch Barn which is the subject of this application has never been used to trade vehicles, only to store vehicles which are the personal property of the applicant. The applicant is content with the number of vehicles proposed to be stored as part of this application, which was discussed and agreed with the case officer.'

Following discussion it was proposed by County Councillor G. Howard and seconded by County Councillor P. Clarke that we be minded to defer consideration of application DM/2020/01076 to a future Planning Committee meeting to allow officers time to gather evidence of when external alterations had occurred, to review the Inspector's decision and to establish whether the application was advertised correctly.

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

For deferral	-	14
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2020/01076 to a future Planning Committee meeting to allow officers time to gather evidence of when external alterations had occurred, to review the Inspector's decision and to establish whether the application was advertised correctly.

6. Application DM/2020/01077 - Static caravan for use as temporary residential accommodation (one year) while barn conversion is under construction at Clawdd y Parc Farm. Clawdd-y-Parc Farm, Parc Road, Llangybi, Usk

We considered the report of the application and late correspondence which was recommended for approval subject to the two conditions outlined in the report. However, condition two should be amended to read as follows:

The use hereby permitted shall cease and the caravan decking and other domestic paraphernalia shall be removed from the site on or before 31st March 2022 and shall not be brought back to the site thereafter. The caravan shall only be occupied by persons directly connected to the ongoing works to barn 3 and no other persons.

Llangybi Fawr Community Council, had submitted a written statement outlining the community council's objections to the application which was read to the Planning Committee by the Head of Planning, as follows:

'This is another application which we suspect has emerged as a result of enforcement action. In their objections to this application, residents who live on site have pointed out that this static caravan has been used by the applicant as a rental property for a tenant who has no involvement with the building work currently being carried out in converting the barn to a residential property. The caravan was in fact installed on site almost exactly two years ago, in April 2019. We realise that this is not a material factor in

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm

determining this application, however we mention it to reinforce our request that, should the committee be minded to approve this application, strict conditions be imposed to the extent that it should only be occupied by persons directly connected with the conversion of barn 3, and not for any other purpose. We agree with the time limit for removal of the caravan proposed by the planning officer in her report but would add that removal should be on conclusion of the building work should that occur before the end of March 2022.'

The applicant's agent, Sullivan Land and Planning, had submitted a written statement in support of the application which was read to the Planning Committee by the Head of Planning, as follows:

'In support of the residents' objections, the Community Council assert that the tenant of the caravan has no involvement in the current conversion of Barn 3 into a residential property. The applicant wishes to assure the County Council that in applying for the temporary planning permission for the residential caravan, he acknowledges that it will be occupied by a person associated with the building project. The applicant is hopeful that the conversion will be completed in the agreed timeframe, as agreed with the case officer, subject to no further Covid-19 related delays.'

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

- The conditions attached to the application are strong enough to ensure that the temporary caravan will be removed by the 31st March 2022. If required, the Authority will have the power to serve a breach of conditions notice allowing formal enforcement action to be taken.
- The local Member for Llangybi Fawr, also a Planning Committee Member supported the conditions to ensure that the temporary caravan should be removed by 31st March 2022.

It was proposed by County Councillor P. Clarke and seconded by County Councillor P. Murphy that application DM/2020/01077 be approved subject to the two conditions outlined in the report and that condition two be amended to read as follows:

The use hereby permitted shall cease and the caravan decking and other domestic paraphernalia shall be removed from the site on or before 31st March 2022 and shall not be brought back to the site thereafter. The caravan shall only be occupied by persons directly connected to the ongoing works to barn 3 and no other persons.

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

For approval	-	12
Against approval	-	0
Abstentions	-	0

The proposition was carried.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm

We resolved that application DM/2020/01077 be approved subject to the two conditions outlined in the report and that condition two be amended to read as follows:

The use hereby permitted shall cease and the caravan decking and other domestic paraphernalia shall be removed from the site on or before 31st March 2022 and shall not be brought back to the site thereafter. The caravan shall only be occupied by persons directly connected to the ongoing works to barn 3 and no other persons.

7. Application DM/2020/01258 - Construct new detached storage building with offices and staff room. Mounon Brook Lodge, A48 Chepstow Garden Centre To Pwllmeyric Hill, Pwllmeyric, Monmouthshire, NP16 6LF

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

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

- Vehicles that are parked on the front of the property can only egress from this area by reversing onto the A48 which is a dangerous manoeuvre. Vehicles travelling along the A48 have a restricted view of the vehicles joining the A48 from the front of the building.
- Parking provision on the existing plans is similar to permission granted in 2017. In the previous plan there were 32 parking spaces for the wedding venue. The temporary storage area will be removed with the new building replacing it. However, four parking spaces will be lost and the area at the front of the building is not a safe place to provide formal parking provision.
- The original consent was for a wedding venue. However, this now provides six bed accommodation. The local Member questioned whether planning consent was required for this. This will increase the issues surrounding parking provision on the site.
- The adjacent field has been hired and used for parking provision but would be unsuitable in times of inclement weather.
- Mathern Community Council considers that approval of the application will result in over development of the site.
- The local Member considered that should the application be approved then very strong conditions needed to be added to the existing conditions outlined in the report, namely: that the storage unit is non-residential and not sold as a separate plot, that the fence be removed to ensure that the area is available which is currently referred to as a service area, the hours of business to operate no later than midnight as it narrows the gap between Mounon House Lodge and the nearby house, no parking should be allowed at the front of the building in the interests of highway and pedestrian safety and the implementation of an

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm

approved travel plan for staff and visitors for parking including when accommodation is used inclusively or independently.

- The local Member asked the Planning Committee to consider refusal of the application on the grounds of overdevelopment of the site and the parking concerns. If the Committee considered approval of the application, a request was made for the additional five conditions to be added.

In response to the points raised by the local Member, the Development Services Manager informed the Planning Committee that a condition could be added to prevent vehicles parking at the front of the building. In terms of the condition being ancillary and not used for living accommodation, this could be achieved. Removal of the fence could also be undertaken. However, the approved layout could be enforced so that the fence would be taken down to accommodate the new building and re-arranged parking in that area. It would be unlikely that a condition could be added to limit the operating hours of business to midnight in isolation for this new building. With regard to the travel plan, this application refers to an outbuilding rather than the wedding venue itself which already has permission.

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

- Concern was expressed regarding the parking provision at the front of the property and it was considered that this area should not be formally included within the application as a parking area.
- The site line for vehicles travelling along the A48 approaching the Mounon Brook Lodge was obscured by a sign. Removal of the sign to a more appropriate location would improve the sight line for vehicles.
- It was noted that the speed limit on this section of the A48 had been reduced from 40mph to 30 mph with electronic signage requesting motorists to slow down.

The local Member summed up as follows:

- A condition be added that no parking should be allowed at the front of the building in the interests of highway and pedestrian safety.
- The hours of business should operate no later than midnight as it narrows the gap between Mounon House Lodge and the nearby house
- The fence should be removed.
- In terms of the condition being ancillary and not used for living accommodation, this could be achieved.
- The Development Services Manager had stated that officers would liaise with the applicant with a view to relocating the sign to a more suitable location.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm

Following consultation with the Development Services Manager, two additional conditions would be added to the existing conditions outlined in the report, namely:

- To ensure the approved outbuilding is ancillary but is not used for guest accommodation in association with the primary wedding / function use or as a separate residential use.
- The four parking spaces identified at the front of the building shall not be formally marked out for use.

It was proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DM/2020/01258 be approved subject to the eight conditions outlined in the report and subject to the two additional conditions, as follows:

- To ensure the approved outbuilding is ancillary but is not used for guest accommodation in association with the primary wedding / function use or as a separate residential use.
- The four parking spaces identified at the front of the building shall not be formally marked out for use.

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

For approval	-	13
Against approval	-	0
Abstentions	-	1

The proposition was carried.

We resolved that application DM/2020/01258 be approved subject to the eight conditions outlined in the report and subject to the two additional conditions, as follows:

- To ensure the approved outbuilding is ancillary but is not used for guest accommodation in association with the primary wedding / function use or as a separate residential use.
- The four parking spaces identified at the front of the building shall not be formally marked out for use.

8. The Planning Inspectorate - Appeals Decisions Received:

8.1. Catry Cottage, Quarry Road, Star Hill, Devauden

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Catry Cottage, Quarry Road, Star Hill, Devauden on 2nd March 2021.

We noted that the appeal had been dismissed.

The meeting ended at 3.55 pm.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee
Remote Meeting on Tuesday, 13th April, 2021 at 2.00 pm**

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Application Number: DM/2019/01495

Proposal: Construction of two dwellings together with formation of car parking (Amended description 14/01/2020)

Address: The Tan House Inn, Shirenewton

Applicant: Mr M Dew

Plans: Location Plan - , Site Layout 910/1 - REV B, Floor Plans - Proposed 910/3 - REV A, Floor Plans - Proposed 910/4 - REV A, Elevations - Proposed 910/5 - REV A, Elevations - Proposed 910/6 - REV A, Elevations - Proposed 910/7 - REV A, Cross Section 910/8 - REV A, Ecology Report - ,

RECOMMENDATION: APPROVE

Case Officer: Mrs Helen Hinton

Date Valid: 13.11.2019

This application is presented to Planning Committee at the request of Councillor Brown to assess the implications of the proposal on the commercial viability of the community facility in line with LDP Policy CRF1 and concerns with regards to highway safety

1.0 APPLICATION DETAILS

1.1 Site Description

The site the subject of the current application comprises a part of the car park and a garden area within the curtilage of The Tan House, Shirenewton. The site is irregular in shape with an area of approximately 0.12 hectares positioned to the east of The Tan House, south of a detached bungalow known as Taormina and to the west of a modern residential development of 2.5 storeys, and the junction of Spout Hill with an adopted but unclassified road. The site is within the development boundary and partially within the Conservation Area of Shirenewton as identified by the proposals maps of the adopted Local Development Plan (LDP). Although not within a defined archaeologically sensitive area, Glamorgan Gwent Archaeological Trust flagged the site as being of archaeological interest.

At the time of inspection the site was being used as a car park area in association with The Tan House with children's play apparatus on a grassed area to the north and two storage containers in the eastern part of the site. The boundaries were defined by a range of fencing types. Access is gained via an undefined vehicular access in the southern boundary, adjacent to the existing building leading from Sprout Hill.

The site is outside of any defined riparian Special Area of Conservation or phosphate sensitive areas.

1.2 Value Added

A number of alterations have been sought with regards to the design and orientation of the proposed dwellings and the layout of the site. The site has also been the subject of an archaeological investigation prior to determination.

1.3 Proposal Description

The plans submitted detail the development of two detached dwellings set centrally within residential curtilages with three parking spaces per dwelling provided to the west (rear). Access to the dwellings (pedestrian and vehicular) would be gained via the existing point of access that would remain shared with The Tan House.

Dwelling A, would be developed in the south-eastern part of the site with dwelling B in the northern part of the site. The properties would be rectangular in footprint, measuring 9.85m wide, 6.4m deep with a pitched roof with a ridge height of 8.25m falling to 4.8m at eaves level. The principal elevation of each dwelling would face towards Spout Hill. Each dwelling would have a double fronted design with canopy porch detail on the principal elevation and would be finished externally with rough cast painted render with stone quoins and cill details, a natural slate roof and grey coloured aluminium windows and doors. Internally the dwellings would provide an entrance hallway, WC, living room and kitchen-diner at ground floor level with four bedrooms, a bathroom and an ensuite at first floor level. The master bedroom would benefit from a Juliette balcony on the north-eastern (side) elevation. The master bedroom of Dwelling B would not benefit from a first floor bedroom window in the principal elevation.

Although the dwellings would utilise the existing shared point of access the site would be rearranged to provide the dwellings, their curtilages, respective parking (3 spaces each) and 15 parking spaces to serve the existing property, The Tan House.

The layout plan indicates the provision of hedgerow and planting areas around the western, northern and eastern boundaries of each residential curtilage with timber fencing provided along the eastern boundary adjacent to Spout Hill. An existing section of hedgerow running east to west through the site would be removed as part of the development.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2006/00790	The closure of the public house and outbuilding and conversion and extension into two family dwellings. The building of 3 new stone cottages on the existing car park, with garages and gardens. The provision of a small 'green' common space to the front.	Application withdrawn	18.04.2013

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S4 LDP Affordable Housing Provision
S5 LDP Community and Recreation Facilities
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H2 LDP Residential Development in Main Villages
CRF1 LDP Retention of Existing Community Facilities

SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
GI1 LDP Green Infrastructure
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas

Supplementary Planning Guidance

Affordable Housing SPG July 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:

<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

Conservation Area Appraisal

Shirenewton Conservation Area Appraisal (March 2016):

<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/shirenewton-conservation-area-appraisal>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

Technical Advice Notes

Technical Advice Note (TAN) 24 - The Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Shirenewton Community Council - Objects to the application.

- The Tan House is referred to as an 'ex-public house'. This is incorrect as there has been no change of use
- The site is within the conservation area, is an historic part of the village and should be retained as a village amenity. The site should be considered as a whole, rather than piecemeal applications
- The proposed four bedroomed houses are potentially not affordable to local people
- Access to the properties is through the pub car park, no private access
- There appears to be no access to the properties from the parking area
- All hedges on site should be retained.

SEWBRc Search Results - No significant ecological record identified within the boundary of the site. A number of priority species have been recorded within 60m.

MCC Heritage - Concerns identified with regards to the design of the initial scheme. The application has now been amended to overcome the comments received. The Heritage Officer has welcomed the amendments and has removed any objection.

MCC Highways - No objection. Conditions recommended with regards to parking protection and a construction traffic management plan.

Glamorgan Gwent Archaeological Trust (GGAT) - The archaeological evaluation report submitted in support of the application confirms that no archaeologically significant features or finds were noted during the course of the field evaluation. No further archaeological work is required.

Dwr Cymru/ Welsh Water - advice provided with regards to the position of apparatus.

5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. Three letters of representation have been received and are summarised as follows:

The application would suggest that the plan is to re-open the Tan House Public House (currently not trading) as why would one install 15 car parking spaces.

In principle we do not object to the proposed development of two houses on the Tan House site, not least because the public house has been unused for many years and has fallen into a very poor state of repair (at least externally). The whole site is an eyesore.

The Tan House has not been used as a public house for a decade. There is no mention of any renovation of the building. This does not make its return to commercial use more likely, irrespective of the provision of parking for a pub/ restaurant in the application. The reference to the Tan House as an "ex-public house" in the application suggests the developers have already accepted this reality.

Leaving the building in its current poor state is also unlikely to appeal to prospective buyers of the proposed new houses. We speculate that the developers may have plans for the existing public house. Any decision on this application should be deferred until there is greater clarity about the developer's proposals with respect to the public house building.

There have been alterations to the height of the Tan building which can be seen from Tan House court and the addition of two new energy metre supply boxes at the front of the Tan House.

5.3 Local Member Representations

Ward Member, Councillor L. Brown was notified of the application on 21st November 2019. The following representation has been received:

- It is unclear how the parking for the dwellings would be distinguished from the normal pub parking spaces and/or not inadvertently blocked.
- Enclosing the plots would detrimentally impact the pub car park turning circle.
- Concerns regarding a lack of pedestrian access to the houses
- The pub occupies an important historical and archaeological site in the village and any proposal needs to fully comply with Policy CRF1. There is no evidence of marketing the existing whole site as a pub with a larger car park and play area.
- The whole site needs to be considered for any change of use, as opposed to development of part of the facility. It is unclear how any future development of the rest of the site would impact this proposal and would not cover planning enforcement concerns in relation to the pub building itself.

Please note all representations can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

The application seeks full planning permission for the development of two dwellings within the curtilage of The Tan House, Shirenewton. The Tan House was formerly operated as a public house/ restaurant but has not traded for about ten years. As planning permission has not been granted for an alternative use of The Tan House building or wider curtilage the use for A3 - food and drink (potentially with ancillary and associated residential use at upper levels) remains lawful.

As the site is within the development boundary and community of Shirenewton, the principle of development, in the broadest terms, is considered acceptable and appropriate.

However, being mindful that the site forms part of the curtilage of a village premises with an extant A3 use, the requirements of Policy CRF1 must also be considered. Policy CRF1 seeks to protect and retain existing neighbourhood or village shops, halls, public houses and other community facilities in Monmouthshire's towns and villages. It is important, therefore, that any new development does not result in the loss of such premises.

Following review of the application an amended site location plan has been submitted. This has excluded The Tan House building from the redline of the application site, but enclosed it within a blue line to indicate that the buildings or land is within the same ownership as those the subject of the application. This alteration seeks to clarify that the application seeks consent for the development of the dwellings and the alterations to the car park only, with no potential for the existing building to be granted a C3 (residential) use by default.

Policy CRF1 provides the following:

"The change of use or conversion to other uses of neighbourhood or village shops, halls, public houses and other community facilities will only be permitted where:

- a) the local community would continue to be adequately served by facilities to which there is easy and convenient access by means other than the private car;
or in respect of commercially-operated facilities,
- b) there is evidence that the facility is not, and could not reasonably be expected to become, financially viable or the facility, if non-operational, has been vacant for a substantial period of time; and
- c) genuine attempts at marketing the facility, whether in use or vacant, have been unsuccessful.

Except in circumstances where loss of the whole facility would be acceptable, the change of use of part of a facility will not be permitted if it would prejudice the long-term retention of the remainder."

With regards to the above, it is noted that Shirenewton currently has two public house premises - The Tan House and the Tredegar Arms, although neither are currently trading. Two other pub/ restaurants are also within walking distance of the village in The Carpenters Arms and The Huntsman. Although the currently proposed development would result in the loss of the lawned area/ beer garden which accommodates children's play facilities, and would condense the car parking area, the proposed layout indicates that the existing premises would be provided with 15 parking spaces and a modest area of outdoor space adjacent to the eastern elevation of the building. Although the proposal would rationalise facilities, it is considered that the space retained does not prejudice the operation or long term retention of the public house as a commercially viable business. Whilst an objector has commented that the application should be refused or deferred until such a time that the owner's long term plans for The Tan House are known, based on the level of provision indicated as part of the current application, these details are not considered necessary to allow for the determination of the current application. Any proposed change of use of the public house would be subject to a separate application and the usual and appropriate assessment.

On the basis of the plans submitted in support of the application, the proposal is considered compliant with the requirements of Policy CRF1.

6.2 Sustainability

6.2.1 Good Design/ Place Making

The application site is positioned within the eastern part of the village. Whilst the village as a whole demonstrates a variety of architectural styles and property types, the area predominantly accommodates detached dwellings that benefit from good sized gardens and off road parking. Although the dwellings proposed are larger, they are considered proportionate to the overall scale of the plot with the plans detailing a design, mass, height, external material, alignment, access, layout and landscaping that would be complementary to the area. Care has been taken to ensure the external materials replicate those already evident in the immediate vicinity and that the principal elevations address the adjacent highway in order to provide an active street scene.

It is considered that the dwellings would benefit from a sufficient and proportionate area of amenity space, with soft landscaping and green infrastructure helping to off-set and integrate the development and prevent the appearance of overdevelopment.

It is considered that the design of the dwellings proposed, in conjunction with their siting to address the highway and the relative density of development, make the development acceptable in design terms and compliant with the requirements of policies S17 and DES1 of the LDP.

6.2.2 Green Infrastructure

The site currently accommodates an area of amenity grassland that has been previously mown and other parts that are currently unmanaged resulting in colonisation by ruderal herb and brambles in places. Grasses and early-colonising species are also encroaching onto the hard-standing car park. There are several young, broadleaved trees in the eastern part of the site adjacent to the fence that separates the car park from the garden, with a verge of unmanaged poor semi-improved grassland approximately 1m wide, located between the boundary fence and the road.

At part of the application, it is proposed that the young broadleaved trees in the eastern part of the site be removed in order to accommodate the dwellings and associated amenity space. Whilst the Community Council object to the removal of any green infrastructure on the site, the plans detail the provision of compensatory planting on the northern, western and southern boundaries of the residential curtilages through the provision of new hedge and planting areas. Subject to conditions to secure appropriate mix, species and density of planting, it is considered that the development would enhance green infrastructure linkages across, into and out of the site and is therefore compliant with the requirements of LDP policies S13 and GI1.

6.3 Landscape

The site is located in the eastern part of a defined main village with dwellings and properties on all sides. The wider village is semi-rural in its character and appearance with the surrounding landscape made up of agricultural land, both arable and pasture with small and large tracts of woodland and meadows with an interconnecting network of managed and unmanaged hedgerows.

Whilst the provision of buildings on site would obviously change its character and appearance, relative to the context of the site, it is considered that potential impact on the landscape arising would be negligible and the proposed development would be in keeping with the overall density, character and appearance of the wider village.

On balance and relative to the existing context, it is considered that the development of the site would create a development of a form, bulk, size, layout and scale that respects the character of the surrounding village and through the use of appropriate external materials and landscaping, would enhance the character and appearance of the plot to the benefit of the wider village setting. It is considered that the proposal would assimilate into the landscape and would not cause significant visual intrusion or create significant adverse change in the character of the natural or built form landscape. The proposal is therefore considered compliant with the requirements of policies S13, LC5 and EP1 of the LDP.

6.4 Historic Environment

The southern part of the application site is positioned within the boundary of the Shirenewton Conservation area. The Tan House is not a listed building. The Conservation Appraisal identifies the Tan House as being a building that makes a particular or special positive contribution to the character and setting of the Conservation Area with the building identified as being of historical interest, marking the eastern extent of the village on the 1840s tithe map.

Although the building retains much of its architectural character, most notably on the western elevation, there has been some loss of architectural features and materials and already a degree of loss to the historic setting due to modern developments in the immediate vicinity. Whilst the proposed development would reduce the area of open space around the building, The Tan House would still be visible from the highway to the east and on the journey up Spout Hill. Given the scale of The Tan House it is considered the property would remain the visually dominant structure on site and the maintenance of 26m distance between The Tan House and the closer of the two proposed dwellings would help prevent the appearance of overdevelopment or excessive encroachment, detrimental to the character and appearance of the site and wider Conservation Area.

During the initial consultation, the Council's Heritage Team provided comments in relation to the design of the proposed dwellings. Whilst concerns were identified with regards to detailed design and orientation, these concerns have now been addressed by the submission of amended plans. The Heritage Officer has responded and has now withdrawn any objection as these concerns have been addressed.

Although not located within a defined archaeologically sensitive area, Glamorgan Gwent Archaeological Trust (GGAT) have identified the site as having an archaeological restraint and provided the following information:

"The application area is situated within the historic core of Shirenewton as identified in the Monmouthshire Historic Settlement Study...The earliest record of structures being on this site is in 1705 when a tanner occupied the site and it was presumably used as a tannery. The earliest architectural features inside the building suggest that it was constructed in the late 16th or early 17th century, although it could be earlier. It is possible, especially given its location that the current structure was not first built on the site and that evidence for medieval settlement is likely to be located in the current application area. As a result an archaeological report is requested."

Following the submission of a subsequent archaeological investigation report by the applicant and review by GGAT the following response has been received:

"The report notes that all four trenches displayed a similar stratigraphy of brown topsoil (approximately 0.15m in depth), overlying a dark brown silty clay which was likely an imported levelling material and increased in depth towards the northeast as the underlying natural deposit dropped away. The report also confirms that no archaeologically significant features or finds were noted during the course of the field evaluation.

Considering the above it is our advice that no further archaeological work is required."

On the basis of the amended plans, reports and consultation responses received, it is considered that the development will not have a harmful impact on the historic environment, would preserve the character and appearance of the Conservation Area and is compliant with the requirements of Technical Advice Note (TAN) 24 - The Historic Environment and LDP policies S17 and HE1.

6.5 Biodiversity

A Preliminary Ecological Appraisal (PEA) submitted in support of the application indicates that the site accommodates a number of habitat types namely:

- Amenity grassland
- Poor semi-improved grassland
- Broadleaved trees
- Hard standing
- Ornamental shrubs
- Scrub and ruderal
- Spoil heap

As part of the report it is concluded that the habitats on site are generally of low ecological value, with several young trees and areas of ruderal and scrub having slightly higher ecological value, particularly for pollinators. No impacts on designated sites or protected species are predicted and sympathetic retention, enhancement and protection in perpetuity of existing features plus the inclusion of bird, bat and invertebrate boxes, areas of flowering grassland and creation of a species-rich native hedgerow on site will ultimately deliver planning and biodiversity gains. There is no long-term unacceptable adverse impact on Ecosystem Services.

Broad information with regards to the level and type of mitigation and enhancement are given at paragraph 6.3.2 of the PEA. Subject to a conditions to secure the PEA as an approved document and more detailed information of the mitigation provision proposed, it is considered that the application would not have a significantly detrimental impact on the ecological value of the area and is compliant with the requirements of LDP policies S13 and NE1.

6.6 Impact on Amenity

As a result of its positioning within the eastern part of the village the site is enclosed on all sides by existing buildings and dwellings. Most notably: Sain y Gwynt that is a modern, detached two and half storey dwelling to the east, Taormina, a detached bungalow to the north, 9 Tan House Court, a detached bungalow to the west and Ballintober and Highmead, a detached and semi-detached two storey dwellings (respectively), to the south.

The site layout plans submitted indicate that Dwelling B would be positioned in the northern part of the site, almost directly opposite the principal elevation of Sain y Gwynt to the east. Based on the layout plan a minimum distance of 17m and a public highway would be maintained between the principal elevations of the two dwellings. Given the currently open and undeveloped status of the site, the works proposed would inevitably represent a significant change to outlook and could generate increased overlooking of windows in the front elevation of Sain y Gwynt. The windows affected in Sain y Gwynt serve a ground floor living/ diner with a bedroom, bathroom and utility space at first floor level. The living room, and bedroom benefit from windows in other elevations

unaffected by the development. As a result of height, it is considered that the dormer windows would not be unaffected.

To reduce the impact generated the proposed elevation for Dwelling B indicates that bedroom 1 would not benefit from a window in the eastern elevation, with two centrally positioned windows serving a bedroom and an ensuite and the window of bedroom two overlooking the garage and the space between the dwelling and the garage building. Although the separation distance between the principal elevations is less than the standard 21m distance normally sought, the infill development SPG outlines that in some cases a lesser distance may be acceptable where windows face a public highway. The proposal will affect the outlook from Sain y Gwynt, however the change needs to be considered in terms of any potential detrimental effect on the privacy and amenity of the existing dwelling and not the attractiveness of the open space. A number of factors are considered to mitigate against any potential detrimental impact on the existing property, these include; the distances and public highways maintained between the properties; the internal layout of the proposed dwelling away from the private amenity space; and the scale of Sain y Gwynt (to which the proposed dwelling would be similar). It is therefore considered that the development would not be so overbearing or so detrimental to the amenity of the existing dwelling Sain y Gwynt in terms of increased overshadowing, loss of light, increased overlooking or loss of privacy to warrant refusal of the application.

In relation to Taormina to the north, it is noted that Dwelling B would be positioned approximately 16m to the southern side of the existing bungalow, albeit at a raised level. The proposed dwelling would be set slightly forward of the building line of Taormina and would benefit from a Juliette balcony in the northern elevation. The change in building line, reflects the natural curve of the road and given the 16m intervening distance, together with the existing bank of trees, the existing and proposed landscaping and the increased topographical height of the site relative to the Taormina, it is considered that privacy is maintained and that any views would be out towards the wider countryside rather than directly into the front garden of the neighbouring property. Being mindful of the village context, it is considered that the proposed development would not generate such an increased level of overlooking, loss of privacy, increased overshadowing or loss of light to warrant refusal of the application.

Based on the plans submitted it has been determined that a minimum distance of 28m would be maintained between the rear elevation of Dwelling B and 9 Tan House Court to the west. Although the proposed development would alter the outlook from no. 9, given the distances maintained, it is considered that the development would not be overbearing or have a detrimental impact on amenity.

Having regard to the orientation of the site, topography of the area (that falls from south to north), existing boundary landscaping, the maintenance of a distance of at least 26m and a public highway, it is considered that the development would not have a detrimental impact on the amenity of Ballintober and Highmead to the south.

Whilst three letters of representation have been received following the public consultation process, none raise concerns with regards to the impact on amenity.

On the basis of the above, the application is considered compliant with LDP policies S13, S17, EP1 and DES1.

6.7 Highways

6.7.1 Sustainable Transport Hierarchy

Shirenewton is defined as a Main Village by LDP policy S1. Although there are currently no shops, the village does benefit from a primary school, two public houses (albeit currently not trading due to the Covid pandemic) a church and a village hall. A bus that passes through the village four times a day Monday - Friday, provides connections to Chepstow and Cwmbran.

6.7.2 Access / Highway Safety and parking

With regards to access (both pedestrian and vehicular), the development would utilise the existing point of access in the southern boundary leading from Spout Hill which would be shared with The Tan House.

Following submission of additional information the Highways Department has identified that there are no highways grounds to sustain an objection to the proposal. The Officer identifies that the existing public highways serving the immediate area are narrow (at approximately 4.5m width), there a number of side road junctions along with a 90 degree horizontal bend in the road, numerous dwellings and a lack of existing footway provision in close proximity to the site. However, no objection is raised to the shared use of the existing access subject to conditions. It is recommended that any grant of consent requires the submission of a Construction Traffic Management Plan to reduce potential conflict between the public, delivery and construction traffic and potential customers to The Tan House.

With regards to parking provision, the layout plan indicates that each dwelling would benefit from three off street parking spaces with 15 spaces provided for The Tan House. The residential parking spaces would be grouped together and positioned in the northern part of the car park leading from the main Tan House car park. Although the Highway's Officer has raised concerns as to how the domestic spaces would be protected for use by the new dwellings, this could be achieved by the installation of some form of chain or lockable bollards. It is considered that the details of such measures could be adequately secured by condition.

Being mindful of the sit layout plans submitted and the statutory consultee comments received, the application is considered compliant with LDP policies S16 and MV1.

6.8 Affordable Housing

LDP policy S4 identifies that development sites within defined main villages with a capacity of three or more dwellings will be required to make a provision of at least 60% of the total number of dwellings on the site to be affordable. In this instance the application proposes the development of two detached properties and is therefore exempt from the need to provide on-site provision. However, the proposal is liable to make a commuted sum provision to be used towards the development of affordable housing within the area.

In line with the formula given as part of the adopted 2019 affordable housing SPG and based on the floor area of each dwelling, the sum due would be in the region of £8,775 per dwelling.

Following consultation the applicant has indicated that they would be willing to enter into a Section 106 agreement to make the contribution and the application is considered compliant with LDP policy S4.

6.9 Drainage

6.9.1 Foul Drainage

Details submitted as part of the application form indicate foul water would be disposed of into the mains sewer system. In accordance with details provided by Natural Resources Wales, the site is outside of any riparian Special Area of Conservation and is not within a Phosphate sensitive area.

Following consultation Dwr Cymru/ Welsh Water have indicated that they have no apparatus crossing the site that may have an impact on the developable area.

On the basis of the above, the application is considered compliant with LDP policies S13 and EP5.

6.9.2 Surface Water Drainage

As of 7th January 2020, all new dwellings are required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water, designed and constructed in accordance with the Welsh

Government Standards for Sustainable Drainage. The applicant has been made aware of this requirement and will be seeking consent from the SuDS Approving Body (SAB) independently of the planning application.

6.10 Planning Obligations

In line with the requirements of LDP policy S4, the development will be liable to make a commuted sum contribution of £8,775 per dwelling, to be used to in the development of affordable housing within the area.

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

Following consultation Shirenewton Community Council have raised and maintained an objection to the application with three local households also providing comments.

The Community Council identified that the applicant refers to The Tan House as an 'ex-public house' and have recommended the whole of site be retained for community purposes with a further objector requesting the application be deferred or refused until such a time that the long term plans for The Tan House are known.

It is confirmed that the existing building has not been the subject of a change of use application and has now been removed from the redline of the current application. It is considered that this amendment helps prevent any confusion with regards to change of use being granted by default/association of the current application. Being mindful that the site is within private ownership, there is no obligation on the owner to allow public or customer access to the garden area. Although the proposal would reduce the outside space and parking provision, in this instance it is considered the proposal would not have such a prejudicial impact on the commercial viability of the premise to warrant refusal of the application.

In terms of affordability it is acknowledged that the dwellings are large and are likely to be expensive. However, they are in keeping with the context of the site and provide an acceptable balance between traffic generation, density of development and impact on neighbour amenity. In line with Policy S4, the developer has confirmed that they are willing to make a commuted sum contribution by way of a Section 106 agreement, to be used to develop affordable housing in the locality.

In line with the site layout plan, vehicular and pedestrian access to the dwellings will be via the existing point of access shared with The Tan House. This arrangement has been deemed acceptable by the Highways Department. Although there is a pavement alongside Spout Hill adjacent to the site this does not connect with any other footway. Given the parking provision to the rear of the dwelling, it would not be desirable to direct pedestrians out of the site and onto the footway in order to access the properties. A pedestrian access from the rear parking spaces as indicated on the layout plan is therefore considered appropriate and acceptable.

Although some immature broadleaved trees would be removed as part of the development, it is considered that the application proposes sufficient compensatory planting and ecological enhancements to generate biodiversity net gain as part of the development, although the specific details with regards to provision will need to be secured by condition.

6.12 Well-Being of Future Generations (Wales) Act 2015

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

6.13 Conclusion

It is considered that the proposed dwellings are of a form, scale and design appropriate for the site and the development would not have an adverse impact on the 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. Subject to the imposition of a number of conditions to secure details with regards to ecological and green infrastructure mitigation and traffic management, the application is considered compliant with the policies of the LDP and is recommended for approval subject to conditions and the applicant entering into a Section 106 agreement.

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.

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

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

4 No development shall commence until details of the design, height and materials proposed for the screen walls or fences shown on the layout plan have been submitted to and approved in writing by, the Local Planning Authority. Such walls and fences shall be erected before the dwelling is completed or occupied whichever is the earlier and retained in perpetuity.

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 there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, details of any to be retained and details all proposed soft landscape planting to be provided, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

6 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.

7 Notwithstanding the details of the approved plan, no development shall take place until full details of hard landscaping works (to include all parking areas) have been submitted to and approved in writing by the Local Planning Authority. These details shall be carried out prior to the beneficial use of the approved development.

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

8 Prior to construction works commencing on the dwellings, details of all proposed habitat enhancements as detailed at paragraph 6.3.2 of the approved preliminary ecological appraisal (to include location, position and specification) shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be provided prior to the first beneficial use of the dwellings and shall be maintained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.

9 Prior to the first beneficial occupation of the dwellings, detail of how the proposed residential parking spaces shall be protected from use by other car park users 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: To ensure adequate parking provision is provided and maintained in the interests of the highway safety and free flow of traffic in the area. In compliance with LDP policies S16 and MV1.

10 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measure to protect adjoining users from construction works, provision for the unloading and loading of construction material and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall only be carried out in accordance with the approved CTMP.

REASON: In the interests of the highway safety and free flow of traffic, in compliance with LDP policies S16 and MV1

11 Prior to the commencement of development, details of the appointed Ecological Clerk of Works to conduct a pre-clearance search of any vegetated areas of the site and the spoil heap/rubble pile (and any other potential refuges) immediately prior to site stripping to move any vulnerable taxa to safety, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans. The Clerk shall be retained for the duration of the development.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1.:

12 The windows serving all bathrooms and ensuites 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.

Application Number: DM/2020/00390

Proposal: Change of use of existing agricultural building to B1 use

Address: Gaerllwyd Farm, Gaerllwyd Farm To Gethley Road Newchurch, Devauden
Chepstow

Applicant: Mr Williams

Plans: Landscaping Plan Revised Landscaping - , Location Plan - , Other 1041(10)19 - Rev A, All Proposed Plans 1041(11)19 - Rev D, Bat Survey - , Other Planning Statement - , Other Access Plan - , Other Welfare Cabin - ,

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young
Date Valid: 11.03.2020

This application is presented to Planning Committee as the applicant is related to Councillor Sara Jones and also at the request of Councillor Louise Brown

1.0 APPLICATION DETAILS

1.1 Site Description

Gaerllwyd Farm has recently been subdivided into smaller units and this has resulted in some of the large agricultural outbuildings becoming redundant. The building which has a steel frame measures approximately 26 metres by 18.5 metres. It is finished in concrete blockwork, Yorkshire boarding and galvanised steel. The pitched roof is of fibre cement sheeting with translucent roof lights and is 6.5 metres high to the ridge. The building was previously used as a cattle shed and for storage.

The site is located in open countryside, approximately 100metres north of Gaerllwyd crossroads. Immediately to the west of the building is a timber building which has recently been granted planning permission for conversion to a residential unit.

1.2 Value Added

This is the resubmission of a withdrawn application. The previous application related to general industry. Officers considered that a B1 use only would be more appropriate.

1.3 Proposal Description

This current application seeks the conversion of the modern agricultural building into B1 (Offices, research and development, studios, high tech and light industry) units to be used for rural enterprise. This is a speculative proposal with no end-user in mind at this stage. The proposal involves enclosing the open south elevation with blockwork and steel sheeting to match the existing. Three roller shutter doors would be inserted on the front elevation and three personnel doors would be inserted into the rear elevation. To the rear of the building it is proposed to provide 19 car parking spaces for customers and employees. A new hedge would be planted around the car parking area. A welfare cabin would be provided within the car park. This would provide toilet and kitchen facilities for all the units. The welfare building would measure 2.3 metres by 3.5 metres.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00641	Demolish existing glazed porch and erect a single storey extension to improve accommodation.	Approved	12.06.2018
DM/2018/01123	Non-material amendment to planning consent DM/2018/00641:- Revision of roof layout design.	Approved	12.07.2018
DM/2019/00154	Discharge of conditions 6 and 10 of planning permission DC/2014/00205	Approved	10.04.2019
DM/2019/01158	Change of use of existing agricultural building to B1, B2 and B8 use.		04.02.2020
DM/2020/01485	Discharge of conditions 9 and 10 of planning consent DC/2015/00847 (Construction Method Statement and Lighting Plan)	Approved	16.12.2020
DC/2012/01010	Change of use for a redundant agricultural building, into a dwelling.	Refused	25.01.2013
DC/2014/00843	Change of use of the land to the north east from agricultural to the keeping of a horse. Within the Garden curtilage the erection of 2 stables, haybarn, Tack/Store room and garage together with hard standing to the front and south of the stables. Fence off a section of the existing 1m high stone wall to the front of the property securing the garden area whilst hedging is given time to establish.	Approved	19.08.2014
DC/2016/00051	Within the garden curtilage erect a wooden garage and barn together with a hard standing to the front and south of the garage/barn. This replaces the approved current planning application (DC/2014/00843) in place on the site.	Approved	17.02.2016
DC/2012/00835	Change of use to equestrian and erection of stable block access track from lane to stable block (existing gateway entrance).	Approved	15.04.2013
DC/2015/00847	Conversion of barn to form one dwelling.	Approved	08.01.2016

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S10 LDP Rural Enterprise
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

RE2 LDP The Conversion or Rehabilitation of Buildings in the Open Countryside for Employment Use
RE3 LDP Agricultural Diversification
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations

Supplementary Planning Guidance

Conversion of Agricultural Buildings Design Guide SPG April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/H4-LDP-Barn-Conversion-SPG-April-2015.pdf>

LDP Policy H4 (g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use Assessment of Re-use for Business Purposes SPG April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/LDP-Policy-H4-g-SPG-April-2015.pdf>

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

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 of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities

5.0 REPRESENTATIONS

5.1 Consultation Replies

Shirenewton Community Council - recommend refusal referencing the following points:

Barn is visually prominent

Contrary to LDP Policy RE3 as no existing enterprise in this location, no evidence that it will provide sustained employment, remote location away from any settlements.

Lack of public transport

No independent structural survey has been provided to demonstrate that the building is suitable for conversion

There is no fibre cabling and consequently broadband speeds are minimal and unsuited to business use

Highway safety is compromised by the site access being from a single track country road

Granting of planning permission sets a precedent

No toilets or washing facilities are proposed

The bat report was undertaken in winter when bats are in hibernation. A further survey in spring/summer time should be provided as bats have been observed in the immediate vicinity

The application lacks detail in the necessary repairs including any upgrading or roof lights.

The application lacks detail of external lighting and roof lights, and the steps to be taken to ensure there is no light disturbance to residents, wildlife and the dark skies

No time, noise, machinery operation or vehicle movement restrictions are proposed and these are needed to protect the rural and residential surroundings

MCC Highways - No objection to the principle of the change of use.

The adjacent barn has planning consent for conversion to a dwelling (DC/2014/00205), the proposed conversion will be accessed via the same access as for the change of use, the result is that the existing means of access will provide access to a residential dwelling, B1 premises and agricultural buildings creating a diverse mix of use and vehicles requiring access and egress with particular servicing requirements.

The level of detail submitted in support of the application is not considered adequate to provide constructive highway comments. Neither the Planning Statement nor the supporting drawings indicate the level of detail the highway authority would require to consider the suitability of the proposed building and associated infrastructure, parking provision, turning provision etc. Access is not directly off the B4235 as detailed in the Planning Statement, access is off an unclassified rural road, route C58.5 that has a junction with the B4235 approximately 80 metres from the site.

The highway authority has no objection to the principle of the change of use, the footprint of the proposed development is such that the likely traffic movements generated by the change of use would not be considered to be detrimental to the existing network or lead to a real deterioration in highway safety or capacity. However, the proposal is located in what can be considered an unsustainable location in Monmouthshire, the area is inadequately served by sustainable transport provision and there are no realistic opportunities to provide sustainable travel enhancements that

would reduce the reliance on the private motor car. The highway authority would recommend that any future development should incorporate ULEV charging points.

The highway authority therefore would support the principle for the change of use but the proposed change of use should take account of the proposal's location and promote development that is compatible with the location. If the planning authority are minded to grant planning consent, then the highway authority would require suitably worded conditions to ensure that the development is built out so as not to be detrimental to the safe operation of the immediate highway network.

MCC Environmental Heath - I would find it hard to object to this application as by the pure definition of Class B1 use it states that 'in all cases, it is a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.'

Obviously that being said there is concern with a building already having been given planning permission to be converted into residential so close to this proposed site. Having a residential property so close could be very restrictive to the type of business allowed at the proposed site given the restrictions of the above definition.

If planning permission is granted I would certainly recommend that a condition regarding operating hours be put in place such as no late evenings or particularly early mornings, to avoid disturbance to nearby or potential future residential properties. The chance of disturbance will be exacerbated by the low background noise levels in such a rural location.

MCC Ecology - No objection

A preliminary roost assessment was undertaken on the 5th January 2020, this identified that the building offered negligible potential for bat roosting. The limited roosting locations that were present have been ruled out due to the poor state of the building. Whilst we agree that the building holds limited potential, we disagree with the section of the report which states: that no mitigation is necessary due to the access remaining in the future, Mitigation for bats and nesting birds is required. Lighting should be controlled.

The indicative landscape plan submitted is welcomed and will contribute towards ensuring net benefit for biodiversity. Further details of planting specification will need to be provided, this could be sought at this stage to avoid conditions. We request that the hedgerow boundary is extended to provide connectivity to the existing network and that it be interspersed with standard trees.

Cadw - No objection

The proposed development is for the change of use of an existing agricultural building to allow various classes of business use to take place in it. The proposal will require some minor external changes to the building but views of the building from the scheduled monument are blocked by an existing barn. Vehicle traffic along the B4235 has already added modern noise and traffic movements in the surroundings of the monument and whilst it is possible that some of the possible uses of the agricultural building will slightly increase these elements they are unlikely to change the way that the monument is experienced, understood and appreciated. Consequently it is our opinion that the proposed development will not have any impact on the setting of the scheduled monument

5.2 Neighbour Notification

Letters of objection received from four addresses

Close to adjoining properties, inappropriate for a rural area, out of keeping with character of area. More appropriate to have this on an industrial estate.

Conflict with local plan, site also put forward as a candidate site for residential

Increase of pollution

Information missing from plans

Loss of privacy
Noise nuisance
Not enough information given on application
General dislike of proposal, unsuitable location
Inadequate access, dangerous junction, increase in traffic leaving the lane and turning onto the B4235 will occur, conflict with residential access
This is effectively a repeat of the earlier application (DM/2019/01158) that was withdrawn (I presume due to the amount of local resident objection to the proposal). Please take on board comments made on that application.
There will be more local residents once the two approved barn conversions have been approved.
No notification of the application
Site should be maintained as agricultural
Many people can work from home now so this use is not needed
There will be many empty business premises due to the economic downturn and see no reason to create another set of empty buildings that will only detract from the local area
The site is a very quiet rural location and is in a prominent position overlooking the valley
The area is currently quiet, unspoilt, and close to an ancient monument
No mention is made of provisions for on-site workers (parking, waste disposal, local amenities), nor the obvious security that would be required in future.
There is minimal broadband, insufficient public transport, no local desire for the minimal employment opportunities this might offer
No credible business plan.

5.3 Local Member Representations

Councillor Brown Requests that this application be considered by the planning committee in view of highways, planning policy and other considerations. There is insufficient information. The highways report dated the 8th of June indicates that there is insufficient highways information in this application, with no details provided of how a shared access/egress will operate with residential/ B1/ agricultural buildings if change of use/ turning circle etc. I am concerned about the piecemeal nature of this application. The design and access statement for the conversion of one of the 3 agricultural buildings to residential use (DC/2014/00205) made it clear that a business use was not an alternative for this same site. The parking for this large barn and for other uses of the 2 other buildings on site, needs to be considered within the parking policy for Monmouthshire as well as consideration for any residential and other large barn use. It is not a suitable site for off-site parking and the 430m2 area could double if another floor area were added to this high barn and then double the parking requirement. The derelict large barn opposite may also result in a future planning application which may have its own parking requirements. Hence a concern about how the 3 buildings on the site may in the future, operate as an integrated whole.

Please note all representations can be read in full on the Council's website:
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

PPW11 supports economic growth but also recognises the need to protect the character of local areas. It also promotes the use of previously developed land. This development would conform to those objectives by providing employment opportunities in a rural area on a brownfield site. PPW 11 supports activities that generate sustainable long-term prosperity, jobs and income. The proposal complies with the objectives of paragraph 5.6.1 of PPW which states.

"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." PPW makes it clear that "Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects. Small-scale enterprises have a vital role to play in the rural economy, and contribute to

both local and national competitiveness and prosperity. While some employment can be created in rural locations by the re-use of existing buildings, new development will be required in many areas."

The site is located outside of any development boundary, within open countryside. PPW Ed.11 and Technical Advice Note 6 'Planning for Sustainable Rural Communities' (TAN 6) support the diversification of the rural economy, to meet the needs of both traditional and new industries, whilst minimising the impacts on local communities and the environment. Paragraphs 5.74 and 5.76 of the LDP recognise the need to balance rural enterprise with the principles of sustainable development and priority is given to the re-use or adaptation of existing buildings, with conversion to employment uses being promoted.

The building in question is of modern construction but was used for its intended purpose as an agricultural building in association with Gaerllwyd Farm for a number of years until it became redundant. The site is located in open countryside outside of any defined development boundary. Given its location and extant use the application falls to be considered in relation to LDP policies S9 and S10 which seek to support the development of small units / workshops and rural enterprise, subject to detailed consideration under policies E2, RE2 and RE3 of the LDP.

Policy E2 of the LDP refers Non-Allocated Employment sites and states that:

Proposals for industrial and business development (classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987) by new, non-speculative single-site users that cannot be accommodated on existing or proposed industrial or business sites within the County will be permitted provided that all the following conditions are met:

- a) the proposed site is within or adjoining development boundaries of towns and other main settlements or existing and proposed industrial / business sites;
- b) the proposal is compatible with adjacent land uses;
- c) there is a demonstrable need for the type and scale of development in that location; and
- d) the proposal would cause no unacceptable harm to the surrounding landscape, historic / cultural heritage, biodiversity or local amenity value.

This is a speculative development with no specific end user in mind. The applicant states in their planning statement that, "*The applicant has not yet identified an occupier for the units, however given the rural location of the site it is envisaged that the buildings would be occupied by businesses with a small number of employees*". Policy E2 does not apply in this case as the proposed use is speculative and the site is not adjacent to a settlement boundary. In addition the proposal is not for a new building but rather the conversion of an existing building. The applicants have not indicated that the buildings would be used in association with any working farm holding as a way of diversifying that agricultural enterprise, and therefore Policy RE3 of the LDP which supports agricultural diversification is also not relevant in this case.

The conversion of this building for speculative B1 uses would therefore need to be evaluated against Policy RE2 of the LDP, the conversion or rehabilitation of buildings in the open countryside for employment uses. The Use Classes Order 1987 (as amended) defines B1 use as businesses and offices, but not financial and professional services where the service is provided principally to visiting members of the public.

LDP Policy RE2 of the Local Development Plan states:

"Proposals for the conversion or rehabilitation of existing buildings in the open countryside, to employment use will be permitted provided that all the following criteria are met:

- a) the form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;
- b) in respect of farm diversification proposals, any necessary re-building work should respect or be in sympathy with the location and traditional characteristics of the building; in all other cases the buildings should be capable of conversion without major or complete reconstruction;

- c) the more isolated and prominent the building the more stringent will be the design requirements with regard to new door and window openings, extensions and means of access, service provision and curtilage, especially if located within the Wye Valley AONB;
- d) the conversion of modern farm and forestry buildings will only be permitted if the building has been used for its intended purpose for a significant period of time. Particularly close scrutiny will be given to proposals relating to buildings that are less than 5 years old, or which are known to have been used for their intended purpose for less than 5 years, and where there has been no change in farming or forestry activities on the unit since the building was erected permission may be refused;
- e) the proposal including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings; and,
- f) the building is capable of accommodating the proposed use without substantial extension.

The above criteria will also be applied to proposals to extend buildings that have already been converted.”

Considering these criteria in turn:

- a) In this case the form, bulk and general design of the building would be respected with no major external alterations or extensions to the buildings. The building would be subdivided into 3 separate units internally. The Yorkshire boarding would be replaced by metal cladding and the roof covering would remain as existing.
- b) The proposed building work and recladding is considered to be in sympathy with the context of the building’s location and that the buildings are capable of conversion.
- c) As b. above.
- d) The building has been used for its intended purpose as an agricultural building for a significant period of time.
- e) The siting of the building has sufficient room to accommodate parking for employees, utilises the existing access and would not require unsightly infrastructure or ancillary buildings, only a welfare cabin.
- f) The proposals do not include any extensions to the building, accommodating the three units within the existing footprint.

The above reasons show that the provisions of part a), b), c), d), e) and f) of Policy RE2 are complied with and the proposal would be an acceptable form of employment development in the countryside. It would comply with policies S10 and RE2 of the LDP, which seek to support the County's rural economy by enabling the provision of rural enterprise and permit the conversion of buildings in the countryside to employment use, where appropriate.

6.2 Sustainability

Good Design is fundamental to creating sustainable places where people want to live, work and socialise. In this case the setting of the building in the open countryside will provide a very pleasant environment for people to work. It will provide extensive views and fresh air to enjoy during lunch time and breaks. The appearance of the building will not alter significantly but once converted it will provide a pleasant environment for its occupiers. The site, in the open countryside does not occupy a very sustainable location, employees working in the offices would tend to drive to the site. The location of the building is more rural, however it is close to the main secondary road from Usk to Chepstow which does accommodate a local bus service (no.63 Cwmbran to Chepstow).

6.2.1 Good Design and Place-making

The application seeks the change of use of an existing building and there would be very few external alterations to the appearance of the building. The new cladding would match the existing cladding in colour and profile. The fair-faced concrete blockwork would be retained. The south elevation of the building would be the most significantly altered with the introduction of new door openings, these would be in keeping with the appearance of the existing building with dark grey roller shutter doors. The south elevation faces towards the existing farm yard and is not visually

prominent in the wider landscape. This north elevation faces towards a field and the open countryside beyond, the changes will be visible but only when viewed from close proximity. There is a public footpath to the north-east of the site but this is over 370m away and the changes to the building will not be discernible from that distance. The roof covering and roof lights will remain as existing. The car parking area will be to the north of the building in an area already hard surfaced. The carpark will impact on the landscape but the proposal to surround the car parking area with a new hedge of native species will help to reduce its impact. The car park at the back of the building will not be highly visible when viewed from the road. The proposed change of use does respect the form scale and materials of existing farm buildings on the site and its intensity is compatible with existing uses. The conversion will not affect natural views and panoramas within the wider landscape in general and the views from the neighbouring scheduled ancient monument of Gaer-Llwyd Burial Chamber in particular. This will be evaluated in more detail later in the report. The re-use of the building for employment purposes is a compatible land use. Therefore the proposal does conform to criteria a), b), c), e) and i) of Policy DES1 of the LDP

6.2.2 Green Infrastructure

The building and the hard standing at the front of the building are existing so there is little scope or need for additional green infrastructure. A hedge of native species will be planted around the car parking area. This will provide biodiversity enhancements as well softening the visual impact of the proposal.

6.2.3 Energy

The proposal seeks to convert a redundant farm building into business units to build new units. This is considered to contribute the objectives of PPW11 for the sustainable management of natural resources which includes land. An existing brownfield site is being used rather than developing on a green field site. The existing site is considered to be appropriate for this type of development given that it is on that has previously been developed but is no longer needed for that purpose. The proposal will help to sustain the rural economy. The proposal does accord with the objectives of PPW11 for the sustainable management of natural resources. The use of an existing building to form the basis for new business results is an efficient use of an existing resource which requires less materials than would be required if a totally new building was to be constructed.

6.3 Landscape

PPW 11 underlines the importance of protecting and enhancing a rich and varied landscape but at the same time understanding the social and economic benefits they can provide. This site is not in a designated landscape area but it is important to protect the rural landscape from inappropriate development. In this case the building already exists and is within a complex of buildings including other modern agricultural buildings. The proposed change of use from an agricultural building into business accommodation will have little visual impact on the wider landscape. The provision of new doors and windows will be on the north elevation facing onto the open countryside but even these changes will not have a significant impact when viewed from any public vantage point. These alterations will not be highly visible when viewed from outside the site. The conversion is in keeping with the rural character of the area and reflects the rural landscape. Policy LC5 of the LDP does allow for development provided that it does not have an adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspect. The proposal does not cause significant visual intrusion and it does not change the landscape character of the area. The use is compatible with its location and harmonises with the landscape. The proposal therefore accords with the objectives of Policy LC5 of the LDP.

6.4 Historic Environment

The application area is 68m to the east of the Gaer-Llwyd Burial Chamber which is a scheduled monument comprising of a large capstone resting on three upright stones. Neolithic chambered tombs are relatively rare. Cadw have carefully considered the information provided within the planning application and have no objection to the impact of the proposed development on the

scheduled monument. In the medieval and post medieval periods the tomb is likely to have been a significant landmark and remains a significant feature in the modern landscape. The landscape surrounding the monument has been altered significantly since it was erected but it remains a significant feature in the area. Views of the building from the monument are blocked by an existing barn. Cadw therefore considers that it is unlikely that the change of use will alter the way the monument is experienced and will not impact on the setting of the SAM. Cadw has no objection to the proposal.

6.5 Biodiversity

The land to the west, on the opposite side of the road is a designated site of interest for nature conservation (SINC) noted for its natural grassland. A bat survey was submitted as part of the application. The objective of the survey was to determine the presence or absence of bats and to assess the potential impact of the proposed development on bats. MCC Ecologists evaluated the submitted ecology report and agree that the building holds limited potential for bats but that mitigation will be required. Mitigation will also need to be provided for birds as it is likely that this structure with its open nature would be used by swallows and other birds for nesting. A plan has been submitted showing Biodiversity Enhancements in the form of bat and bird nesting boxes on the east elevation of the building.

This area is very important for bats, with numerous bat roost records in close proximity including a lesser horseshoe bat maternity roost. Lighting is therefore a key consideration. The indicative landscape plan submitted is welcomed and will contribute towards ensuring net benefit for biodiversity. Further details of a planting specification will need to be provided.

6.6 Impact on Amenity

PPW11 in paragraph 3.21 says that the planning system must consider the impacts of new development on existing communities and maximise health protection and well-being 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.

There are two existing properties that are close to the application site. Glenmore is approximately 86m to the north-west of the site, on the opposite side of the road. Gaerllwyd Farm is approximately 88m to the south. In between Gaerllwyd Farm and the application site is an existing agricultural building which is being retained on the site. The site was previously a working farm yard that would have generated a significant amount of noise, odour, dust and traffic. The proposed site is not suitable for general industry or for storage distribution as this may result in high levels of traffic generation and potential noise and dust depending on the type of activity undertaken inside the premises. A B1 use would be more suitable in this location. The use of these three units for office use would not generate noise or dust and moreover, operating hours could be controlled. The premises could be occupied by a small number of staff but the B1 use would preclude businesses where the service is provided principally to visiting members of the public. Restricting the use to B1 would protect the amenity of adjoining occupiers and would be compatible with the objectives of Policy EP1 of the LDP which seeks to protect the amenity and health of occupiers of neighbouring properties.

In May 2014 (DC/2014/00205) planning permission was granted to convert the small timber dairy unit abutting the application site, into a residential dwelling and in January 2016 planning permission was granted for the stone building opposite the entrance into this site to be converted into a residential dwelling (DC/2015/00847). No work has commenced on these conversions to date however we must consider the residential amenity of these properties as well. The timber dairy unit is less than three metres from the proposed units. For this reason it is important that the use of the units is restricted to offices and business only as other uses would not be compatible with the adjacent residential use.

MCC Environmental Health officers do not object to the proposal given that the definition of a Class B1 use that 'in all cases...is a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.' However they do recommend a restriction on operating hours given the close proximity to (potential) residential properties.

6.7 Highways

6.7.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with use of private motor vehicles being the least desirable. The location of the proposed business units is not in a very sustainable location. Thus, most (if not all) users of the building would have to travel to the site by car.

The existing barn is in open countryside where TAN18: Transport recognises that, "The distinctive characteristics of rural areas including low population densities, the dispersion of job opportunities and the concentration of services in larger settlements restrict travel options. The car is important for accessibility in rural areas and is likely to remain so for the foreseeable future. Development in rural locations should embody sustainability principles, balancing the need to support the rural economy, whilst maintaining and enhancing the environmental, social and cultural quality of rural areas."

Gaer-llwyd cannot be described as a sustainable location as advised in PPW11, although weight needs to be given to the fact that the proposal would generate employment opportunities for the rural economy.

6.7.2 Access / Highway Safety

The proposal would utilise the existing access into the farmyard; it would share this access with the adjacent barn conversion, if that development was to go ahead. The existing access is wide with good visibility in both directions. The access is located some 75m north of the B4235 at the Gaer-llwyd crossroads. The highway authority has no objection to the principle of the change of use, the footprint of the proposed development is such that the likely traffic movements generated by the change of use would not be considered to be detrimental to the existing network or lead to a real deterioration in highway safety or capacity. However, the proposal is located in what can be considered an unsustainable location in the County; the area is inadequately served by sustainable transport provision and there are no realistic opportunities to provide sustainable travel enhancements that would reduce the reliance on the private motor car. The highway authority would recommend that any future development should incorporate ULEV charging points. The highway authority also wants clarity on the internal vehicle movements within the site to ensure that there is no conflict.

6.7.3 Parking

Nineteen car parking spaces would be provided at the rear of the site. As this is a speculative proposal there are no details of the operating requirements of the occupiers of the building with regards to deliveries, servicing or staff. The adopted Monmouthshire Parking Standards 2013 part B) considers the parking requirements for offices. This site has an internal floor area of 468 square metres and is in zone 2 to 4 (non-town centre) and would therefore require one parking space per 25 metres square. A development of this size would therefore require nineteen off street parking spaces. The proposed parking provision complies with the advice given in the adopted standards and therefore the proposal complies with LDP Policy MV1.

6.8 Drainage

6.8.1 Foul Drainage

There will be no foul drainage from the building itself. Foul water from the toilet and sinks will be in the welfare cabin, it will drain to a sealed unit within the cabin and will be emptied by truck when required.

6.8.2 Surface Water Drainage

The applicant has indicated that any surface water will discharge into the existing drainage system. The water runs via a series of underground drains into a reception pit, and this is then pumped into the large slurry tower on site. The existing building does not have a down water drainage system at present and so the scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The applicant has been informed of this.

6.9 Contaminated Land

The site was previously used for agriculture but there are not known to be any abnormal contamination issues.

6.10 Noise

As the proposed use is for B1 use there should be no significant increase in noise levels as a result of the development. The site was previously used for agricultural purposes which had the potential to generate a certain amount of noise.

6.11 Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SAC's of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.12 Response to the Representations of Third Parties and Community Council

6.12.1 Most of the issues raised by the objectors such as residential amenity, traffic generation and compliance with the LDP have been addressed in the main body of the report.

It is considered that there is sufficient information submitted with the application to determine it. A site notice was posted at the site on the 27th May and adjoining land owners notified by post as per the statutory requirement.

The building was previously used for agricultural purposes and is now being considered for B1 use - there will be few visual alterations to the building. There is likely to be an increase in cars being parked at the site. The parking area will be partly screened by a new hedge.

The change of use will not have a large impact on the character of the area given the low level of intensity, low scale visual alterations to the building and use of existing access arrangements.

These offices could be provided on a business park but the applicants have applied for them in this location and that is the proposal before the local planning authority; this has to be considered on its merits. Whether there will be demand for such offices in the future is not a material consideration. It is an objective of the Council to upgrade broadband provision throughout the County and especially in rural areas like this.

The fact that this area may be put forward as a candidate site for the next LDP is not something that should be considered at this stage and has no bearing on this current application.

6.13 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.

6.14 Conclusion

6.14.1 This is a speculative proposal but the conversion of this building into a B1 use may have the potential to generate skilled jobs in this rural location where job opportunities are limited. The proposal accords with the objectives of PPW11 and the LDP by promoting economic development. Although this is speculative, the provision of these small business units provides a new opportunity for potential small enterprises to establish in the area without entrepreneurs having to move out of the County to find suitable premises. The Council is generally supportive of facilities that would aid economic growth and Policy S8 of the LDP says that "Development proposals that seek to deliver the Council's vision for sustainable economic growth will be permitted subject to detailed planning considerations".

As discussed above, Policy RE2 of the LDP does allow for the conversion of buildings in the open countryside for employment use. The use of this building for business purposes therefore does accord with the Council's vision for economic growth. It is hoped that by approving these three units it will result in some new enterprises either starting up in this area or relocating from areas outside of the County.

PPW11 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 businesses are crucial to the growth and stability of rural areas. The advice in PPW11 therefore is that the establishment of new enterprises in rural areas is to be encouraged as it would increase local prosperity.

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 building shall be occupied by businesses operating within the B1 Use of the Use Classes Order (1987) only and for no other purposes without the express permission of the LPA.

REASON: Alternative uses may be detrimental to residential amenity and therefore contrary to the objectives of policy EP1 of the LDP

- 4 The premises shall not be used for the approved purposes outside the following times 08:00 to 18:00 on any day.

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

- 5 Ecological Mitigation and Enhancement Scheme

Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bird nesting and bat roosting provision identifying location, positioning and specification, The scheme shall provide for the future management and an implementation timetable and shall be submitted to an approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

Reason: To compensate for loss of potential and to provide biodiversity net benefit ensuring compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policy NE1

6 Lighting Plan

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

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1

7 Landscape Plan

No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details should include the following; -Soft landscape details of the hedgerow planting around the perimeter of the site connecting to existing hedgerows to the south. Hedgerow plants to be interspersed with native trees. The plan shall include planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.

Reason: To safeguard all Green Infrastructure Assets at the site in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4.

8 Landscape Works Implementation

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

9 Before development commences details of the parking layout and on site turning provision to enable all vehicles associated with the various uses on the site to enter and leave the site in a forward gear shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with those approved details before the occupation of the building for the approved use.

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

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/04/21

gan Mr A Thickett, BA (Hons) BTP Dip
RSA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13/5/21

Appeal Decision

Site visit made on 30/04/21

by Mr A Thickett, BA (Hons) BTP Dip RSA
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 13/5/21

Appeal Ref: APP/E6840/X/20/3249614

Site address: Cwmgyst, Pentre Lane, Abergavenny, NP7 7HE

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

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Ms A Symes against the decision of Monmouthshire County Council.
- The application Ref: DM/2018/01989 dated 3 December 2018, was refused by notice dated 12 December 2019.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is: Dwelling house which is without any residential occupancy restriction and which is immune from future enforcement action relating to any residential occupancy restriction.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use of Cwmgyst, Pentre Lane, Abergavenny, NP7 7HE as a dwelling house without any occupancy restriction.

Main Issue

2. The main issue is whether the agricultural occupancy condition imposed on planning permission A26366 limits the occupation of Cwmgyst.

Reasons

3. Planning permission for Cwmgyst was granted in 1986 subject to, amongst other things, an agricultural occupancy condition (Reference A26366). The appellant's contention that the condition is unenforceable is predicated on the assertion that the dwelling was not constructed in accordance with the approved plans and that, as a consequence, it was unlawful when built and the condition limiting occupation does not apply. There is no dispute that the building is different from that shown on the approved plans. The questions I need to address, having regard to the caselaw cited by both parties are; (i) was the building originally built as approved and, if not was the dwelling built as it is now? i.e. not built as approved and subsequently altered, and (ii) are the differences between approved and as built material?

4. I will address the last question first. The approved plans for Cwmgyst show an upper ground level including garage, living room, kitchen, office, hall and utility and at lower ground two bedrooms and a bathroom. At upper ground, a door opens from a utility room on to a landing with steps down to the garden. The lower ground floor plan shows nothing below the landing indicating that the space below it was a void or filled.
5. The building today differs from the approved plans as it includes an additional room and store at lower ground floor level and at upper ground level a terrace extending from the kitchen and forming the ceiling of the store. The store/terrace is much larger than the landing shown on the approved plans and the steps down to the garden are orientated in line with the rear elevation rather than at 90° to it and are much more substantial. There is a patio door opening on to the terrace next to the kitchen door rather than a window with nothing below. At lower ground on the south elevation, a patio door and window have swapped positions.
6. The parties argue over the meaning of the walls of what is now the store/den being shown as dotted lines on the approved plans and whether this denoted that this area would have been filled or a void (the site slopes). If it denoted a void, I do not consider that turning it into a usable space would, in itself, be a material change. However, I consider that, taken together, the differences described above are significant and material, such that were the dwelling constructed as seen today, it could not have been said to have been built in accordance with the approved plans. Consequently, unlawful, at risk of enforcement action (at that time) and the conditions imposed on planning permission A26366 would not bite.
7. Neither party has provided any definitive evidence to demonstrate that Cwmgyst was or was not originally built in accordance with or not materially different from the approved plans. The Council refer to but do not provide aerial photographs dating back to 2000. According to the Council, although the images show that there was a terrace, the quality of the images is too poor to determine its size. As planning permission was granted in 1986, to keep the permission alive, construction would need to have started in 1991 at the latest and so was probably completed well before 2000. Consequently, had the images been clear they would not have assisted in determining whether the terrace was built with the house or was a later addition.
8. I now turn to the question of whether the dwelling was originally built as approved and, if not, was it built in its current form? In 2018 the appellant commissioned a survey to try to ascertain when the den/store was created. The survey found that they could have been added later but the authors would have expected to see evidence of the substantial civil engineering and ground works required to build these rooms at a later date. The authors found no such evidence reporting that the condition of the walls internally and externally and the weathering of the building indicates that the construction of the den/store and terrace was contemporary with the building of the house.
9. Given the age of the house, any later additions could have weathered and look the same as the original, but I saw nothing to indicate that the building has been altered or extended. The appellant's surveyors state that they would have expected to see a joint or step in the walls within the den/store had any underpinning or other groundworks been undertaken after the house was built. I saw what looked to be the recent addition of a radiator and associated pipework in the den. However, my observations suggested that the plastered walls and ceiling have been there for some time and, other than confirming the absence of a joint or step in the walls, my internal inspection revealed nothing else to support either side in this case.

Conclusions

10. There is no dispute that the existing building is different to that shown on the approved plans and the development permitted under planning permission A26366. For the reasons given above, I find that were Cwmgyst originally built as it is now, it cannot be said to have been constructed in accordance with planning permission A26366. The Council does not dispute that a joint or step in the walls would exist had the den/store been created later. I also find, having considered all the evidence including my external and internal inspection, that on the balance of probabilities, Cwmgyst was built as it is now.
11. I conclude, therefore, that as Cwmgyst was not constructed in accordance with planning permission A26366, it was unlawful when built and none of the conditions imposed on that planning permission apply or can be enforced. The lawful use of Cwmgyst is as a dwelling house with no restrictions on occupancy.
12. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of 'dwelling house which is without any residential occupancy restriction and which is immune from future enforcement action relating to any residential occupancy restriction' was not well founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Anthony Thickett

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012: ARTICLE 28

IT IS HEREBY CERTIFIED that on 3 December 2018 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

Cwmgyast was not constructed in accordance with planning permission A26366, it was unlawful when built and none of the conditions imposed on that planning permission apply or can be enforced.

Signed

A Thickett

Inspector

Date

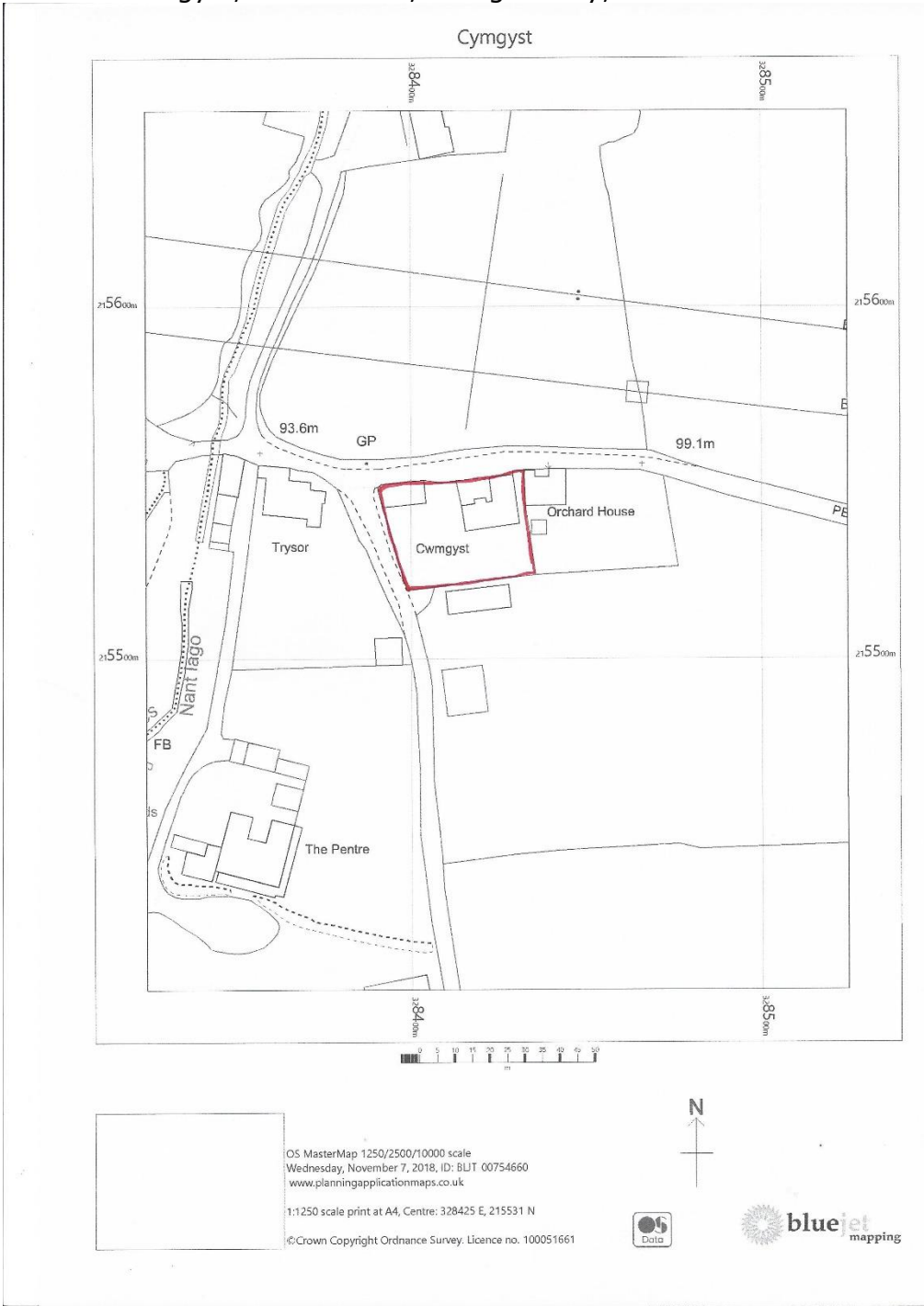
Reference: APP/E6840/X/20/3249614

First Schedule

Dwelling house which is without any residential occupancy restriction.

Second Schedule

Land at Cwmgyst, Pentre Lane, Abergavenny, NP7 7HE



NOTES

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

3. This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.