

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 21 February 2022

Notice of meeting:

Planning Committee

Tuesday, 1st March, 2022 at 2.00 pm,
County Hall, Usk - Remote Attendance

AGENDA

| Item No | Item | Pages |
|---------|---|---------|
| 1. | Apologies for Absence. | |
| 2. | Declarations of Interest. | |
| 3. | To confirm for accuracy the following minutes: | |
| 3.1. | Planning Committee - 12th January 2022. | 1 - 12 |
| 3.2. | Planning Committee - 1st February 2022. | 13 - 18 |
| 4. | To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached): | |
| 4.1. | DM/2020/00400: Construction of a 1km closed road cycle track, vehicle access and car parking - Land adjoining Racecourse Farm & Llanfoist Waste Transfer Station, Abergavenny NP7 9LQ | 19 - 48 |
| 4.2. | DM-2020-01495 - A new 4-bedroom dwelling on land adjacent to The Royal George Hotel - Land to the west of the Royal George Hotel, Forge Road, Tintern | 49 - 62 |
| 4.3. | DM-2021-01416: Proposed installation of 2no. shower/toilet blocks, to serve site visitors and nearby camp site - Old Station, Tintern, Chepstow, NP16 7NX | 63 - 72 |
| 5. | FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received. | |

| | | |
|-------------|---|----------------|
| 5.1. | Greenfield Llanfoist Appeal Costs Decision | 73 - 76 |
| 5.2. | Greenfield Llanfoist Appeal Decision | 77 - 88 |
| 5.3. | Manor Garage Rogiet Appeal Decision | 89 - 92 |

**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 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 two working days before the meeting. 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/ieListMeetings.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.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

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 15: Development, flooding and coastal erosion (2021)
 - 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 by 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.

Public Document Pack Agenda Item 3a

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Wednesday, 12th January, 2022 at 2.00 pm

PRESENT: County Councillor R. Edwards (Chairman)

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

County Councillors L. Dymock and F. Taylor attended the meeting by invitation of the Chair.

OFFICERS IN ATTENDANCE:

| | |
|-------------------------|--|
| Craig O'Connor | Head of Planning |
| Philip Thomas | Development Services Manager |
| Andrew Jones | Development Management Area Team Manager |
| Mark Davies | Highway Development Manager |
| Denzil – John Turbevill | Commercial Solicitor |
| Richard Williams | Democratic Services Officer |

APOLOGIES:

County Councillor M. Feakins.

1. County Councillor Peter Clarke

Before commencing proceedings the Chair, on behalf of the Planning Committee, paid tribute to the late County Councillor Peter Clarke 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 7th December 2021 were confirmed and signed by the Chair.

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4. Application DM/2019/01937 - Hybrid planning application - Outline planning application for up to 155 dwellings, associated open space and infrastructure with all matters excluding access reserved, of which full planning permission is sought for 72 dwellings, associated open space and infrastructure. Land at Vinegar Hill, Undy, Monmouthshire

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 a Section 106 Legal Agreement.

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

- Magor and Undy have been overdeveloped over the years with the infrastructure not being developed at the same rate.
- The health and well-being of residents is important. Concern was expressed that local doctors' surgeries and dentists will not cope with the increase in population from the proposed development.
- Clarity was sought following an email from the local health board in February 2020. It had been assumed that due to no objection, the surgery had adequate space to accommodate additional numbers of patients.
- The local Member informed the Committee that the Environmental Health Officer had stated that the majority of the site would fall under TAN 11.
- Noise issues should be taken into account when determining planning applications with conditions being imposed to ensure an adequate level of protection. Planning permission should not be granted where it is considered that permission would be suited at a better quieter available location.
- Conditions should be imposed to ensure a commensurate level of protection against noise.
- The local Member asked whether there was evidence that there were no alternative sites that would be a more suitable location within the County and questioned whether the proposed site was the best site available given the constant noise and traffic pollution from the M4 motorway.
- The loss of green space will significantly impact on Undy residents. Green space is important for residents' health and well-being. There is no alternative usable green space in the area for residents.
- The local Member expressed concern regarding the exit and entrance onto the B4245 from Dancing Hill. The speed and volume of traffic has been a concern for Magor and Undy residents. An additional 155 properties will significantly

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increase the number of vehicles travelling along this route. The correct measures need to be installed to reduce the speed of vehicles along this route.

- Concern was expressed regarding road safety issues at Vinegar Hill. It was considered that a true reflection of residents' views had not been undertaken regarding Vinegar Hill. Further consultation should be considered regarding this matter. Most sections of the highway on Vinegar Hill are a single car width which can be dangerous for residents with sections of the highway having no footway. Heavy goods vehicles have become stuck blocking the road with some properties having been damaged by vehicles due to the narrowness of the road.
- When an accident occurs on the B4245 or the M4 motorway, Magor and Undy become congested immediately with Vinegar Hill being used as a 'rat run'.
- Traffic cameras had been set up in April 2019 but there were issues regarding the date that this took place.
- Undy School – complaints are being received from residents regarding vehicles parking on Penny Farthing Lane due to the congestion occurring around drop off and pick up times. Off road parking is required to eliminate the parking issues. However, the congestion issue will be exacerbated if the proposed development is approved.
- Public transport links for the area need to be addressed and improved. Walking and cycling need to be developed.
- Refuse vehicles are struggling to negotiate the Greystone site.
- Flooding has occurred in the area.

The Member for Mill Ward (adjacent ward) also attended the meeting by invitation of the Chair and outlined the following points:

- The conditions outlined in the report needed to be looked at in more detail.
- The site is not part of the County Council's Local Development Plan. It is a new allocation made by the Planning Inspector. The site has remained in abeyance for several years as it is a difficult site to develop.
- The Member concurs with the local Member regarding the refuse collection problems on the site. The configuration of the site has made it difficult for refuse vehicles to access certain areas of the new sites. This had resulted in smaller vehicles having to be despatched to address missed collections.
- Neither Grange Road nor the top of Dancing Hill are priority gritting routes.
- There is a need for off-site highway improvement but there is no clarity on the type of improvements required.

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- Dancing Hill has been identified as having high speeding traffic due to its topography. If the application is approved this will generate further high-speed traffic movements.
- There will be 18 affordable homes but the layout is not compliant with Monmouthshire County Council's Affordable Housing Supplementary Planning Guidance (SPG), as this requires pepper potting of the affordable properties. All the affordable homes are located in the south west corner of the site but there should be clusters of no more than 6 to 15 units.
- Surface water and drainage issues currently exist on the site. However, Welsh Water has not agreed to a connection. Only an agreement in principle is in place.

Magor with Undy 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:

'The proposal to partially close off the northern end of Vinegar Hill, and allow access through the new development onto Vinegar Hill could be a huge H&S risk, with the potential for it to become a 'rat-run' to the B4245. Planning Inspectorate described Vinegar Hill: 'narrow tortuous road – with no footways and a combination of restricted visibility, substandard accesses and volume of traffic giving rise to potential hazardous conditions for road uses' and refused an access point (DC/1997/00237). Planning has continued to allow in-fill along Vinegar Hill increasing traffic, despite it being a 'Safe Routes to School'.

Access to the development is via Grange Road. What plans are in place for construction traffic to mitigate accident/congestion on Grange Road, particularly at the narrow corner adjacent to Hillcrest? Dancing Hill is also very busy, feeding the existing estate.

Council presume that the proposed road that will connect the new development with Rockfield and the B4245 is to replace the 'bypass' planned for the area in excess of 30 years. Developers should be tasked with putting in this link/bypass road first to mitigate congestion on Vinegar Hill/Grange Road and Dancing Hill by construction traffic.

Drainage/SUDS at the new Greystone Meadows (Rockfield) is totally insufficient, with MUCC in talking to Matt Jeffes Flood Risk Engineer for Monmouthshire County Council. Attenuation ponds cannot cope with the run-off, causing flooding to adjacent allotments, and raising Manholes on the B4245 and site.

SUDS/drainage for the Vinegar Hill development must be more robust, and 'over the top'. Run-off from Grange Road and Vinegar Hill crest causes regular flooding on the lane at Gurn Hill Lodge – with soak-away drains inadequate. Two fields east of Vinegar Hill (phase two of the Vinegar Hill development) have deep seasonal flooding with run-off from Knollbury/Vinegar Hill/Gurn Hill.

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Monmouthshire County Council needs to ensure that SUDs/drainage proposals are robust and conditions are met to mitigate flooding.

Magor/Undy had problems connecting to the public sewer (with installation of private cesspits becoming the 'norm') because of capacity problems, despite a new rising main installation.

On the proposal to connect to the existing sewer system Dwr Cymru concluded it is unlikely to have sufficient capacity to accommodate the development without having a detriment to existing services. This must be resolved - the community cannot endure the problem of overloaded sewers again.

Is the developer providing children's play facilities? Is it covered by s.106 agreement that includes a contribution to community facilities? The Community Council provides the area's largest children's parks and would welcome funding to update/refurbish them.

Council note proposals to plant trees/small orchard areas and to maintain existing hedgerows.

It should be a condition that the developer plant only non-invasive native species which provide cover and food for birds, mammals.

The west/east green corridor is a flight path for bats, hunting raptors and barn owls. No allowance has been made for bats, nesting birds i.e. house martin nest cups or artificial nests for cavity nesting birds i.e. house-sparrows.

The Community Council's believes that conditions can be put in place by the authority to mitigate some concerns/problems but with a programme of checks to ensure that planning and the conditions are adhered to.'

Ms. K. Coventry, the applicant's agent, had prepared a video recording which was presented to Planning Committee and the following points were outlined:

- The report outlines comprehensively why the application should be approved.
- The site is allocated within the County Council's adopted Local Development Plan.
- It is located adjacent to the established built up urban area of Magor and Undy and connects the approved housing allocation of Rockfield Farm.
- Grant funding has been received from the Cardiff Capital Region in light of the viability matters on site.
- The scheme aims to deliver up to 155 homes across the two parcels of land divided by Vinegar Hill.

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- The application site does not extend over the entirety of the allocation. The scheme design ensures that it does not prejudice this area of land should it come forward in the future.
- The scheme, via the grant funding, is able to deliver 25% affordable housing on site and will aid in the shortfall across the County.
- There has already been a pre-application enquiry undertaken for the detailed design of Parcel B and it is considered that an application will be submitted on receipt of the planning permission.
- Through consultation with the County Council the scheme has evolved into one designed around green infrastructure including two key corridors running north to south and east to west across the two parcels of land. The site delivers a net biodiversity gain overall.
- There is a net gain in hedgerows across the site with the delivery of the community orchard and public open space.
- A scheme has been designed to provide safe travel across the local highway network and prevent inappropriate levels of traffic on unsuitable roads.
- In July 2021, a new scheme was submitted which closes the top of Vinegar Hill with some access remaining to the south. This design still enables the east to west link road to connect from Rockfield Farm through this site and onto Grange Road, as required through policy.
- This scheme is the most practical and sustainable solution which also provides emergency access.
- Drainage officers have confirmed that the scheme has an appropriate drainage strategy.
- This is the last remaining strategic allocation in the County Council's adopted Local Development Plan. It accords with both national and local policy.
- The scheme will provide an important contribution to both market and affordable housing numbers and is not subject to the constraints experienced elsewhere in the County.
- The developer is keen to deliver this site as soon as possible.
- The applicant's agent asked the Committee to consider approval of the application.

The Development Services Manager responded as follows:

- Conditions have been put in place to avoid any unacceptable noise impacts.

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- High levels of insulation can be secured, as well as upgraded acoustic glazing and mechanical ventilation whereby windows would be non-opening facing out towards the north and the motorway. This would allow the plots to achieve acceptable internal noise levels. The gardens would be located at the rear of these properties.
- The loss of green space is implicit in terms of the allocation of the site. However, across the site there is green infrastructure and public open space provision which is multifunctional in providing surface water drainage measures, the trim trail and the community orchard, as examples.

The Head of Planning responded as follows:

- Local GPs have been consulted on the application with no objections or concerns being raised regarding the developments.
- This is an allocated site within the Local Development Plan (LDP). As part of that process consultation would have been undertaken with the local Health Board to allow capacity to be built into its models.
- With regard to the replacement LDP, the local Authority is working with Aneurin Bevan University Health Board (ABUHB) to create a formula to address contributions in relation to health infrastructure.
- This development is one of the first large scale developments to go through the Surface Water Drainage legislation. A sustainable drainage application has been submitted to the Drainage Board and is compliant with the requirements.
- Parcel A complies with Affordable Housing Supplementary Planning Guidance (SPG) whereby there are 12 units located within the south west corner of the site and a further six units located within the central location of the site.
- There is an east to west link which has been designed to the correct standards. It is anticipated that a bus service will be able to access this route in the future and that refuse vehicles will also be able to access this highway link.

The Highways Officer responded as follows:

- This is an allocated site and extensive assessments were undertaken in order to put it forward as a candidate site.
- The assessments identified that no mitigation was required for this development on the local network and specific junctions on the B4245.

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- The Highway Authority considers that the proposed development will cause no material harm in terms of safety and capacity on the network.
- 20mph speed limits are to be rolled out across the County and the region.
- All internal layouts of the proposed development accord with current design criteria which is Manual for Streets.

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

- Vinegar Hill is not being closed to through traffic. Eventually, it will be linked into the estate road and the future east-west link road. When the development is completed, at some point in the future, the northern section of Vinegar Hill will be closed to traffic and will be turned into a green way for use by pedestrians and cyclists.
- There is no direct policy in the LDP for the provision of electric vehicle charging points on the development. However, this is being looked at within the replacement LDP. Discussions have been held with the developer regarding the provision of charging points and the developer has agreed to put in the cabling and infrastructure for a three point plug on 85% of the plots on Parcel A of the site. This could be delivered via condition should the application be approved.
- In response to questions raised regarding biodiversity and GI Infrastructure, it was noted that concerns had been raised regarding seasonal flooding in the attenuation pond in Parcel A. It was noted that this is a modern design and provides green open space in terms of surface water drainage. It is a multi-functional area of land.
- A Green Infrastructure Management Plan has been established to maintain green infrastructure on the site. The site has been designed with significant tree planting located within the streets, the provision of a trim trail and a public open space within the south east of the site.
- The layout of the affordable housing provision in the south east of the site provides benefits in terms of how the properties are managed. 25% of the site will be affordable housing provision.
- The area of the site on Grange Road is close to the motorway. A Member suggested providing acoustic fencing at the top of the site to help reduce noise levels from the motorway. The area to the north was not originally a part of the LDP, providing scope for the extra measures of acoustic fencing to be considered in zone C via conditions. It was also suggested that conditions be added to accommodate electric charging points for Parcels A and B. In response, the Head of Planning informed the Committee that the Developer had looked at providing electric charging points across the whole of the site

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(Parcels A&B). Therefore, a condition could be added requesting a plan to indicate details of electric charging facilities for the site prior to commencement of work on the development.

- In terms of noise pollution, the Head of Planning informed the Committee that there are conditions regarding the upgrading of the glazing and the ventilation of the properties to the north of the site. Regarding the area of the site outside of the LDP, Environmental Health has looked at this development proposal and suggested conditions 16 and 17 to ensure that there are higher standards for the plots at the top of the site.
- The traffic survey had been undertaken in April 2019 outside of school term time and on a Saturday, which did not take into account traffic levels from an average working day.
- In response to a query regarding developments and infrastructure requirements for the area, the Head of Planning informed the Committee that the Planning Authority had consulted with Aneurin Bevan University Health Board and GPs to obtain their opinion in respect of the development proposal. The numbers of people waiting for affordable housing are already located within the area. Conversations will continue with the local Health Board regarding the additional homes in the area and the impact that this might have for health infrastructure going forward. This scheme is providing a number of financial contributions towards community facilities such as community services, public open space and educational contributions in terms of school capacity with a view to ensuring that the development is sustainable.
- A Member expressed concern and considered that the development would be inappropriate for the site under the Future Well-being of Generations Act, as it was considered that it does not benefit the health of the local community.

The Development Services Manager informed the Committee:

- There will be acoustic screening along the frontage of the site with Grange Road with considerable planting being undertaken.
- The periphery of the development will have public maintenance areas which will be managed by the Council or a management company via the green infrastructure management plan.

The local Member summed up as follows:

- Concern was expressed that the proposed development will not provide good quality housing on this site.

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- The glazing might provide some noise mitigation but only when inside a property.
- The 25% affordable housing provision is a positive. However, the local Member expressed concern that these properties were not being adequately distributed across the site.
- The local Member supports the provision of electrical charging points.
- Concern was expressed regarding the lack of access to GP facilities in the area and that further development within the area would exacerbate this situation.
- It was considered that the development does not enhance the well-being of future generations.

It was proposed by County Councillor L. Brown and seconded by County Councillor A. Easson that application DM/2019/01937 be approved subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that the following additional condition be added:

- No development shall commence until details of acoustic fencing have been agreed with the local Planning Authority along the northern boundary of the site and shall be implemented in accordance with the approved details prior to any occupation of the dwellings.

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

| | | |
|---------------------------|---|---|
| In favour of the proposal | - | 5 |
| Against the proposal | - | 9 |
| Abstentions | - | 0 |

The proposition was not carried.

It was proposed by County Councillor P. Murphy and seconded by County Councillor J. Higginson that application DM/2019/01937 be approved subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that the following additional condition be added:

- To secure electric charging points on the site.

| | | |
|---------------------------|---|----|
| In favour of the proposal | - | 14 |
| Against the proposal | - | 0 |
| Abstentions | - | 0 |

The proposition was carried.

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We resolved that application DM/2019/01937 be approved subject to the conditions outlined in the report and subject to a Section 106 Legal Agreement. Also, that the following additional condition be added:

- To secure electric charging points on the site.

5. Application DM/2021/01376 - Proposed two storey rear extension with associated works. 2 Cae Capel, Great Oak, Bryngwyn, Usk

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

In noting the detail of the application, the following point was identified:

- In response to comments made regarding the loss of amenity impacting on the neighbouring property, the Development Management Area Manager informed the Committee that the application has been looked at on its own merits and it is acknowledged that there will be some degree of impact but the mitigating circumstances in terms of the distance from the boundary and the north facing orientation, on balance, indicates that there is insufficient grounds to recommend refusal.

It was proposed by County Councillor G. Howard and seconded by County Councillor P. Murphy that application DM/2021/01376 be approved subject to the conditions outlined in the report.

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/2021/01376 be approved subject to the conditions outlined in the report.

The meeting ended at 4.27 pm.

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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee County Hall, Usk - Remote Attendance Tuesday, 1st February, 2022 at 2.00 pm

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

County Councillors: J. Becker, L. Brown, A. Easson, 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 |
| Denzil – John Turbervill | Commercial Solicitor |
| Richard Williams | Democratic Services Officer |

APOLOGIES:

County Councillor A. Davies

County Councillor J. Becker joined the meeting during consideration of application DM/2021/01277. He did not take part in the discussion or voting in respect of this matter.

County Councillor A. Easson left the meeting following determination of application DM/2021/01421 and did not return.

1. Appointment of Vice-Chair

We appointed County Councillor P. Jordan as Vice-Chair.

2. Declarations of Interest

None received.

3. Confirmation of Minutes

We agreed to defer consideration of the minutes of the Planning Committee meeting dated 12th January 2022 until the next Planning Committee meeting to allow the Committee's legal representative to review the recording of the meeting with a view to clarifying the accuracy of the minutes in relation to a paragraph on page 10 in respect of application DM/2019/01937.

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4. Application DM/2021/01277 - Retention of existing 100-seater stand. Proposed 100 seated stand, proposed 50 seated stand and extension to car park. Chepstow Town AFC, Larkfield Park, Chepstow, NP16 5PR

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

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

- The football club needs to develop the ground so that it is compliant with the Football Association for Wales' criteria in order for the club to progress further within its league structure.
- The club is located within a residential area and needs to take its corporate social responsibility seriously as a good neighbour.
- There are local concerns regarding its current capacity and its ability to manage match day traffic and traffic related to football tournaments held at the club. The additional proposals have heightened concerns.
- It had been stressed that the club needed to evidence the steps it will take to manage both onsite parking and off-road traffic. This needs to be undertaken via a Traffic Management Plan and with an active partnership with the Police to avoid additional match day stress on street residential parking. The revised plans for the addition of onsite parking capacity and the development of a Traffic Management Plan goes some way to addressing the concerns of residents. The plan is reliant on properly trained volunteers.
- The local Member highlighted the Highways Department's response outlined in the report. It was considered that a review mechanism needed to be established to afford all stakeholders the opportunity to evaluate how successful the implementation of the plan has been and whether further steps such as traffic regulations are required in the future.
- The Traffic Management Plan should be enacted before the development has been completed to address the traffic stress that already exists.
- Having reviewed the plans, it looks as if the visual impact of the siting of the two new stands will be limited. However, it was considered that the Committee needed to assess the siting of the stands for itself before determination of the application.
- The club needs to find a way of co-existing with residents and ensure that any impact now and in the future is properly managed and mitigated.

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The Development Services Manager responded as follows:

- A response from the Police has not yet been received.
- Having received comments from the Highways Department it was considered that the scheme is workable and is an improvement on the current situation.
- The Highways Department is in agreement with the proposed scheme subject to conditions.
- The condition relating to the Traffic Management Plan commences from the date of planning permission.
- There are no grounds to object to the proposal based on the level of parking and the provision of a Traffic Management Plan is a vast improvement on the existing situation.
- Enforcement of any parking issues would be a matter for the Police and the Highways Department to address.

Having received the report, the following points were noted:

- There is a need to support the Club in its development.
- The Club is applying retrospectively for an existing stand. It was considered that it would be appropriate to seek the implementation of a Traffic Management Plan with enforcement being addressed via the Police and the Highways Department.
- An additional condition could not be added to implement a traffic regulation order in the vicinity of the Club as this would be covered via Highways Act legislation and did not fall within the remit of Planning legislation.

The local Member summed up as follows:

- It is unfortunate that the Police have not yet been able to comment on this application.
- It was hoped that the County Council could be a facilitator regarding engagement between the Club and the Police to ensure that appropriate training of volunteers is undertaken.
- The Highways Department has highlighted the current stress on residential streets. With the expansion of the facilities the stress will be exacerbated unless it is properly managed.

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- A prohibition of parking order or residential parking only might need to be considered and consulted upon should the Traffic Management Plan fail to address the highways issues.

It was proposed by County Councillor P. Murphy and seconded by County Councillor G. Howard that application DM/2021/01277 be approved subject to the conditions outlined in the report.

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

| | | |
|------------------|---|----|
| For approval | - | 12 |
| Against approval | - | 0 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that application DM/2021/01277 be approved subject to the conditions outlined in the report.

5. Application DM/2021/01367 - Change of use of building from offices to single dwelling with associated works. Ashbourne House, 33 Bridge Street, Chepstow

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

The local Member for St. Mary's, also a Planning Committee Member, informed the Committee that he welcomed the application and the return of the property to a residential setting providing better amenity for the neighbours.

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

- Sound insulation measures in the building should be considered in view of the adjacent property being in A3 use. The Development Services Manager informed the Committee that an informative could be added to consider this matter.
- The application is a sensible proposition to bring the property back into residential use.

It was proposed by County Councillor J. Becker and seconded by County Councillor P. Murphy that application DM/2021/01367 be approved subject to the conditions outlined in the report and that an informative be added to consider the need for sound insulation measures in the building in view of the adjacent property being in A3 use.

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

| | | |
|------------------|---|----|
| For approval | - | 13 |
| Against approval | - | 0 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that application DM/2021/01367 be approved subject to the conditions outlined in the report and that an informative be added to consider the need for sound insulation measures in the building in view of the adjacent property being in A3 use.

6. Application DM/2021/01421 - Installation of new solar panels to roofs of existing railway carriages. Old Station, Tintern, Chepstow, NP16 7NX

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

The local Member for St. Arvans, also a Planning Committee Member, expressed her support for the application and welcomed the addition of the panels as it concurs with the Council's commitment to its carbon reduction policy.

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

- Approval of the application will enhance the local area.
- In response to a question in respect of objections raised by Friends of Tintern Station in respect of this application, outlined in the report, it was noted that Planning officers were satisfied that the application did not cause unacceptable harm to the area.

It was proposed by County Councillor A. Webb and seconded by County Councillor J. Becker that application DM/2021/01421 be approved subject to the conditions outlined in the report.

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

| | | |
|------------------|---|----|
| For approval | - | 13 |
| Against approval | - | 0 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that application DM/2021/01421 be approved subject to the conditions outlined in the report.

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7. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

7.1. Ravensnest Fishery, Ravensnest Wood Road, Tintern

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Ravensnest Fishery, Ravensnest Wood Road, Tintern on 22nd November 2021.

We noted that the appeal had been dismissed.

The local Member for St. Arvans thanked the Planning Officers for their work in respect of this matter.

The meeting ended at 3.14 pm.

Application Number: DM/2020/00400

Proposal: Construction of a 1km closed road cycle track, vehicle access and car parking

Address: Land Adjoining Racecourse Farm & Llanfoist Waste Transfer Station Transfer Station, Abergavenny NP7 9LQ

Applicant: Mr Mike Moran - MonLife

Plans: Site Plan Site Plan - , Location Plan Location Plan - , Landscaping Plan 1517-204 - Rev B, Green Infrastructure Framework Plan Element Urbanism & Landscape - Rev 03B, Design and Access Statement Rev A - 13/12/21, Other Summary Statement & Planning Statement by Owen Davies Consulting - December 2021, Landscape Planting Plan 1517-301 - Planting Plan 1 of 3, Landscape Planting Plan 1517-302 - Planting Plan 2 of 3, Landscape Planting Plan 1517-303 - Planting Plan 3 of 3,

RECOMMENDATION: Approve

Case Officer: Ms Kate Bingham
Date Valid: 12.05.2021

This application is presented to Planning Committee due to the number of representations and because Monmouthshire County Council is the applicant.

1.0 APPLICATION DETAILS

1.1 Site Description

This application is submitted by Monmouthshire County Council who are seeking to build a cycling hub, or 'velo park' with a mix of different cycling facilities concentrating around a Closed Road Circuit (CRC). The facility will be of regional and potentially national importance for the growth and development of cycling and other wheeled sports. It is intended to further enhance Abergavenny's reputation as one of the most successful cycling towns and destinations in Wales.

The proposed site is at Racecourse Farm is 1.5 miles south of Abergavenny Town Centre, or 25 minutes walking / 10minutes cycling distance. It is positioned in a mixed-use area adjacent to a junction of the A465 Heads of the Valleys Road.

The area around the road junction has been developed to accommodate new housing, residential care home, roadside leisure/retail operators including a Premier Inn hotel, Brewer's Fayre restaurant, and a drive-through McDonald's restaurants. Llanfoist Primary School is positioned at the western boundary of the Racecourse farm site. Other important features include the River Usk to the east and Monmouthshire Golf Course to the south. This is an established development area, and already includes a mix of land uses including education and leisure.

The whole site is 6.4 ha in size and is currently used for the grazing of horses. Temporary uses of the land in recent years has included overspill events and camping for the National Eisteddfod.

The floodplain of the River Usk covers the low-lying areas to the east and is categorised as Zone C2, an area of floodplain without significant flood defence infrastructure where only less vulnerable development should be considered. The land to the west of the site is at a higher level, including an area of the former household waste landfill. This area is undulating with some steeply sloping banks. As well as the unusual topography including a raised mound and former landfill site, there are several utility features including the footings and towers for the overhead power lines, a high-pressure gas main (beneath ground) and a gravity fed sewer pipe.

Access into the site exists at two locations, a vehicle entrance formed in the opening between McDonald's and the Foxhunters Care Home and an existing field access adjacent to the One Planet Centre.

In terms of the environmental qualities of the site, there are no national or local environmental designations, although the area exhibits a range of natural habitats including ponds and wetland areas. Ecological considerations are important to the site's development. The site is also within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

1.2 Value Added

Following comments from Natural Resources Wales and the Council's Biodiversity Officer the following amendments have been made to the proposal:

Reference to the use of the One Planet Centre as a facility has been removed to address concerns with any potential increase in phosphates. A small number of portaloos will be provided in the parking area for daily use. Large scale events will provide additional portaloos in accordance with event management plans.

Revised illustrative landscape masterplan with the following amendments:

1. Additional amphibian habitat (pond) larger in scale than the recommended 4m x 3m added to the eastern side of the existing pond. The pond is as large as is reasonably possible to maximise ecological gain.
2. Post and rail fencing added to the pond.
3. Boardwalk and pond viewing platform shortened and realigned to meet the post and rail fence where interpretation board to be sited, with local vegetation clearance, when possible, to allow clear views over the pond.
4. All reference to potential future access to the floodplain removed (ie additional to the existing PROW).
5. Wildflower meadow areas extended in line with NRW landscape comments.
6. Additional notes included on plan and in general notes below the legend to state:
 - a. feathering in at toe of new embankments to ensure earthworks are as sensitive as possible and blend into the landscape (as currently stated in the submitted GI strategy)
 - b. where 1:2 slopes are necessary, low gabion walls are introduced where beneficial to increase the areas of 1:3 which enables screen planting (again as in submitted GI strategy)
 - c. SuDS basin inlets and outlets to be designed sensitively to minimise visual impact and avoid the need for headwalls - in the interests of landscape character i.e. set in gabion baskets aligned with slope.
 - d. Notes on lighting hours of operation included
7. The location of Ash trees indicated on plan to demonstrate that mitigation planting is provided in the event of their loss.
8. Vegetation removal indicated on plan in line with NRW comments
9. Reference to GCN fencing removed
10. Reference to Otter tunnels removed
11. Amended internal path arrangement to re-connect with PROW as diverted north of the track. Proposed alignment allows the additional pond as proposed, and the water body would help to naturally guide walkers along PROW 71 away from ecologically sensitive areas, apart from people visiting the pond viewing area.

1.3 Proposal Description

The national governing body, Welsh Cycling, has worked closely with the Council and local cycling clubs in recent years to promote very popular and successful national and local cycling events in the town. The town boasts several cycling clubs, including Abergavenny Road Club, one of the largest and most successful in Wales. Support for a velo park located in Abergavenny has been identified in the Welsh Cycling's Facilities Strategy and the emerging Monmouthshire Cycling Strategy.

The velo park including CRC will be a purpose-built cycling facility used for leisure, coaching, training and competitive cycling. It will also be available for other wheeled sports (e.g. wheelchair and Nordic skiing) and running. It combines recreational trails with a purpose-built circuit - a traffic free road used as a sports and leisure facility. The CRC will be 6 metres wide and 1km in length with street lighting covering part of the circuit to allow its use during the evening.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|------------------|--|-------------------------|---------------|
| DM/2018/01925 | Proposed construction of single storey workshop/studio ancillary use in connection with existing dwelling house. | Approved | 18.01.2019 |
| DM/2018/01929 | Alterations to existing stone walls to the perimeter of the proposed Studio/Workshop. Including reconstruction of missing and dilapidated sections walling using selected local stone, formation of a opening at the new pedestrian access point and replacement of the rounded concrete capping with a stone flag coping. | Approved | 04.01.2019 |
| DM/2020/00946 | Discharge of conditions; 6 (details of existing sewer) 7 (foul water discharge scheme) and 9 (street phasing plan) 10 (street management and maintenance plan) 11 (all details for adopted areas) 12 (PROW details and pedestrian infrastructure phasing) 13 (surface water management) 14 (construction traffic management) 15 (lighting design for biodiversity) and 16 (method statement for safeguarding biodiversity). Relating to application DC/2016/00880. | Approved | 16.10.2020 |
| DM/2020/00947 | Discharge of conditions; 2 (detailed soft landscape scheme and green infrastructure management plan), 3 (details of proposed earthworks), 5 (hard landscape details) and 7 (schedule of landscape maintenance). Relating to applications DM/2019/00346. | Approved | 27.11.2020 |
| DM/2020/01169 | Install 1x 9m wooden pole (7.3m above ground). (Openreach ref. QCH619SW) | Permission Not Required | 09.10.2020 |

| | | | |
|---------------|---|----------|------------|
| DC/2013/00332 | Removal of conditions restricting use to holiday accommodation | Approved | 18.09.2013 |
| DC/2006/00127 | Proposed conversion and extension of existing barns to provide 13 units of holiday accommodation. | Approved | 04.02.2008 |
| DC/2006/00637 | Proposed conversion and extension of existing barns to provide 13 units of holiday accommodation. 3 new build holiday cottages for disabled persons | Approved | 01.02.2008 |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities
S10 LDP Rural Enterprise
S11 LDP Visitor Economy
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

CRF2 LDP Outdoor Recreation/Public Open Space/Allotment Standards and Provision
RE6 LDP Provision of Recreation, Tourism and Leisure Facilities in Open Countryside
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
EP3 LDP Lighting
EP5 LDP Foul Sewage Disposal
MV1 LDP Proposed Developments and Highway Considerations
MV3 LDP Public Rights of Way
DES1 LDP General Design Considerations
DES2 LDP Areas of Amenity Importance

Supplementary Planning Guidance

Green Infrastructure SPG (April 2015)

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) 16 - Sport, Recreation and Open Space.

Paragraph 3.17 states that: 'In urban fringe areas, particularly where there is insufficient land in urban areas, there may be opportunities to provide sport and recreation facilities in ways which do not conflict with other policies to protect the environment and amenity of communities'.

Paragraph 3.18 states that: 'In rural areas, facilities should be located in or adjacent to settlements. Any proposed developments in the open countryside would require special justification. Appropriate proposals linked to farm diversification may be given favourable consideration.'

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanfoist Fawr Community Council - This Community Council supports the principle of a closed road cycle track scheme in the Abergavenny area but has significant concerns regarding the proposed location. Consequently, this application is recommended for refusal as it is currently presented. This Community Council's concerns are laid out below:

Traffic Access

Existing traffic congestion in this area is already a significant problem. Members of the Community Council do not accept the conclusions of the Traffic Statement that the problems are temporary and COVID related and that the impact will not be severe. Traffic already queues (dangerously) onto the A465 dual carriageway during peak times presenting significant delays and access problems for local residents. Members noted that a traffic audit was conducted on Feb 4th 2021 between the hours of 2pm and 3.30pm. The date and time of this audit is fundamentally flawed as (i) this area was under Level 4 COVID travel restrictions on Feb 4th which criminalised non-essential travel, and (ii) would not have represented peak times for either the local fast food outlets and/or commuting traffic. As a minimum, this Community Council would request that the traffic audit is repeated at more representative date(s) and time(s) including weekends and that the Traffic Statement is reviewed in detail by Mon CC Highways.

Parking Provision

Members are concerned that 80 designated spaces are not sufficient. Similarly, the prospect of significantly increased parking requirements for large events is not adequately provided for. It is also noted that land designated for overflow parking is also an option for the relocation of allotments arising from those to be lost adjacent to Llanfoist Cemetery. Members believe there is a

significant risk of uncontrolled on-street parking arising from these proposals which has not been properly considered.

Wildlife Habitat

Members note the mitigation features included in the proposals but remain concerned that the simple existence of artificial lighting, mechanical and human activity is bound to have a significant impact on wildlife and habitat protection. This Community Council would request that responsibilities (both financial and practical) for mitigating these factors are clearly identified and agreed - something which the current proposals lack clarity on.

Noise and Quality of Life for adjacent residents and Care Home residents

The proposed hours of opening (8am to 9.30pm) raise significant concerns regarding noise and light pollution levels. There is a risk of a constant level of a "base load" noise associated with this proposal which will impact local residents and nursing/care residents of the Foxhunter Home. With planning permission already granted for extensive further development at Grove Farm and protected living bungalows near the Foxhunter these issues are exacerbated. This Community Council is concerned that the quality of life and amenity of local residents (of all ages) would be permanently deteriorated by these proposals.

NRW - We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Foul Drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding European Protected Species, Landscaping and Land Contamination should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application:

- Condition 1: European Protected Species - Secure Implementation of Submitted Documents.
- Condition 2: European Protected Species - Conservation Plan for Great Crested Newts.
- Condition 3: European Protected Species & Landscapes - Landscape Ecological Management Plan
- Condition 4: European Protected Species - Biosecurity Risk Assessment
- Condition 5: European Protected Species - Ecological Compliance Audit
- Condition 6: Land Contamination - Unsuspected Contamination

Protected Sites - River Usk Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the River Usk SSSI. Providing the impact pathways referenced above for the SAC are adequately assessed, NRW consider the features of the SSSI will also be adequately safeguarded.

European Protected Species - In addition to the documents we have reviewed previously, we have also reviewed the following documents submitted in support of the above application:

- o Amended version of the document entitled 'Summary Statement & Planning Statement', prepared by Owen Davies Consulting, dated December 2021.
- o Drawing entitled 'Abergavenny Velo Park, Llanfoist, - Illustrative Landscape Masterplan', prepared by Element Urbanism & Landscape, drawing number 1517-304, revision B, dated 30/11/2021.
- o 'Abergavenny Velo Park Masterplan - Green Infrastructure Strategy', prepared by Element Urbanism & Landscape, revision 03B, dated 09/12/2021.
- o 'Land at Race Course Farm, Llanfoist, Abergavenny, Monmouthshire - Addendum to Ecology Strategy, prepared by Just Mammals Consultancy, dated December 2021.
- o 'Abergavenny Velo Park - Design & Access Statement', unauthored, revision A, dated 13/12/2021.

The proposals comprise the development of a cycling centre including paved track, off-road routes, car park, storage facility and lighting. We note the proposed amendments to the scheme

include the addition of a great crested newt pond within the red line boundary (in addition to the previously proposed mitigation ponds outside the red line but within blue ownership boundary); omission of street lighting within the ecologically sensitive western section of the circuit; provision of further information on the time limiting of lighting; removal of permanent newt fencing and otter tunnel from the design and the statement confirming no boundary trees will be removed.

We consider the new information as listed above, addresses our previous concerns in relation to bats in trees, otters and lighting subject to the imposition of conditions listed above.

Landscaping - We are satisfied that the revised planting plans have addressed our earlier concerns regarding the inclusion of additional large-growing species. We note the information provided in the planting plans are general maintenance rather than long-term management proposals. This does not appear to have been addressed in the submitted Green Infrastructure Strategy. Therefore, we recommend a Landscape and Ecological Management Plan (LEMP) should be submitted and approved in writing by the Local Planning Authority before development commences. Details regarding what the LEMP should include for landscaping are referenced in the LEMP condition under European Protected Species above (Condition 3)

Flooding - We have reviewed the FCA undertaken by HydroGeo, reference HYG637 R 201105 CB Abergavenny Velo Park_FCA V4, dated 12 March 2021 to provide you with technical advice on the acceptability of flooding consequences. Whilst our advice below shows the FCA has not demonstrated the risks and consequences of flooding can be managed to an acceptable level, recognising the nature of the application and that only the very south of the site is shown at risk of flooding (which appears to not have any built development within the outlines), in this instance we have no objection to the application as submitted in relation to flood risk.

Foul Drainage - We note from the updated information (paragraph 5.1.9 Summary Statement & Planning Statement, amended December 2021) that a small number of portaloos will be provided in the parking area for daily use with additional portaloos facilities for large scale events. This replaces the previous proposal which relied on the nearby One Planet Environmental Education Centre toilet facilities. The application suggests a conservative estimate of between 10,000 and 20,000 visitors per year.

We presume the portaloos will be 'collection only systems', i.e. they won't treat wastewater, only collect it. If so, they are effectively a cesspit/cesspool with the waste needing to be regularly emptied. This is required to be done by an appropriate and registered waste carrier.

The waste from collection-only systems must be taken to an authorised waste reception site or an authorised wastewater treatment works. On this basis, the waste could be taken to a local Wastewater Treatment Works(WwTW). WwTW within the Monmouthshire boundary do not have phosphorus stripping facilities. This, therefore, has the potential to create a pathway to, and increase phosphorus loading on, a river SAC.

Contaminated Land - We have reviewed the document entitled 'Proposed Velo Park, Llanfoist, Abergavenny, Phase I Geoenvironmental and Phase II Site Investigation Report', prepared by HydroGeo, document reference HYG637 R 200619 TP Abergavenny Velo Park Phase I and II.docx, dated June 2020 submitted in support of the above application. We note the report includes a wider area than red line boundary in the planning application. The report includes the historic landfill to the northeast of the site and the base at the northern and eastern slopes, however the historic landfill is not within the red line boundary. We note from the report there is deep made ground present and given the adjacent landfill additional made ground/landfill material may be encountered during development. If gross contamination is encountered during development, then a remediation strategy should be submitted to the Local Planning Authority in accordance with the suggested condition below to ensure if contamination is encountered it is appropriately dealt with. Based on the above, we would advise the following condition to be included on any planning permission granted by the Local Planning Authority:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

GGAT - We have consulted the regional Historic Environment Record (HER) and note the proposal is located in an area of archaeological potential and we have previously recommended archaeological mitigation for proposals in the vicinity. However, the supporting information submitted does not refer to archaeological remains or designations and therefore no consideration has been made concerning any physical impact on buried archaeological remains, or any potential indirect, visual impact of the proposed development. As a result there is insufficient information presented to allow an informed decision to be made regarding the archaeological resource. In order to ascertain the impact that the development will have on the archaeological resource, a suitably qualified archaeologist should initially prepare an archaeological desk-based assessment of the current knowledge of the archaeological resource in the application area in order for the impact of the proposed development to be determined and to allow informed mitigation measures to be proposed.

MCC Highways - The highway authority has considered the supporting information submitted in support, particularly the Transport Statement, the Draft Site User & Management Plan and associated layout plans.

Site Accessibility;

The highway authority considers the location to be a reasonable sustainable location accessible by pedestrians and cyclists and within reasonable distance from bus and rail transport provision.

Highway Safety / Traffic Impact / Traffic Distribution:

The highway authority has considered the impact of the development on the immediate highway network and agree that the anticipated increase in traffic generated by the development are not considered to be that significant and would not be detrimental to the safety and capacity of the immediate highway network.

Means of Access;

Access to the proposal will be via Council maintained road that currently provides access to the Council's recycling centre and waste transfer station.

Parking Provision;

Generally, the parking provision is considered to be acceptable for the day to day use of the facility and it is acknowledged that larger events on the site specific traffic and site management measures will be introduced as detailed in the Event Management Plan.

The proposed development will not lead to a real deterioration in highway safety or capacity on the immediate local network, and offers no objection in principle subject to suitably worded condition; No development shall commence until detailed design and safety audits have been submitted to and approved by the Local Planning Authority for the construction of the means of access from the Council's maintained access road.

MCC Rights of Way - In accordance with Welsh Office Circular 32/92 Footpaths 71 and 73 in the community of Llanfoist which run through the site have been marked on the application plans. The plans also identify that the paths need to be diverted to accommodate the proposed development. The applicant will therefore need to apply for a path order.

Importantly, path orders are subject to legal tests and public consultation and are not guaranteed to succeed. Additionally, guidance states "the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and authorities should ensure that the potential consequences are taken into account whenever such applications are considered.

Note the application looks to replace the existing stiles into the site with kissing gates and identifies the potential for improved footpath linkages to residential area. In accordance with MCC's least restrictive policy and The Active Travel Act MCC would prefer to see Footpath 71 given multiuser status and the stiles replaced with gaps. If this is not possible gates rather than kissing gates would be preferable. It would seem sensible to upgrade the status of a footpath to a cycling facility to allow the use of cycles.

If consent is granted, no temporary closure to allow permanent development works to take place on the paths will be issued until the path order has reached confirmation stage. This is because at this point it will have been determined that any changes to the paths alignment in principle are acceptable. Importantly, if the path order is acceptable the new path alignments will need to remain available and free to use at all times. It is unlikely that they could be closed during a spectator event for example.

MCC Biodiversity - Holding objection pending the submission of further information. This information has been received to the satisfaction of NRW. No further comments received from MCC Biodiversity at the time of preparing this report.

MCC Landscape/Green Infrastructure - No objections subject to conditions.

The applicant has undertaken an LVIA and there is sufficient information relating to the assessment methodology and assessment of the likely visual impact on an appropriate range of receptor locations to be able to support the further design stages.

The applicant has undertaken a GI assets and opportunities assessment to inform a GI Masterplan and GI Strategy as informed and guided by the MCC GI SPG. The assessment and LVIA have informed an illustrative landscape masterplan 1517-304 rev A and subsequent landscape plans 1-3 for the site.

From a landscape and GI perspective the amendments as detailed in the application covering letter are broadly acceptable from a GI and landscape perspective where relevant.

Based on the amended current proposals for the construction of a 1km closed road cycle track, vehicle access and car parking it is considered, from a landscape and GI perspective, will not have a significant detrimental impact on the character, appearance and intrinsic values of the localised and wider valued landscape, provisions of Planning Policy Wales (Edition 11) February 2021 and Policies S13 and LC5 of the MCC Adopted LDP 2011-2021.

MCC SAB - We believe the proposed scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The SAB is granted a period of at least seven weeks to determine applications. SuDS approval is required if the total construction area of your development is 100m² or more. Total construction area is defined as anything that covers land (inclusive of driveways, patios, parking areas etc.). It also includes any construction work that replaces an existing building.

SEWBREC Search Results - Records of Great Crested Newts, Bats and Otters recorded within the vicinity of the site.

5.2 Neighbour Notification

Twenty five representations received in support of the application:

- Abergavenny has a thriving cycling culture which would further benefit from a facility like this, providing a safe environment for younger riders in particular.
- Help achieve active travel goals.
- This would be amazing for Abergavenny, with such amazing cycling in the area this can only help increase Abergavenny as a cycling community.
- I would certainly hope to make use of it and also my young family in the future.

- With a young family living around the corner to the proposed site this is the type of forward thinking facility that is needed. Cycling is a booming leisure and tourism activity, but more facilities are needed to help train our children (and adults less confident on a bike) in a safe off road environment.
- Abergavenny rightfully has a growing reputation as a cycling hot spot, and this facility will only help cement this reputation.
- What an amazing idea. A great asset for the town. Well done all involved.
- Further encouragement for people to get into cycling and out of their cars.
- The design appears to sit well in the landscape and the high quality landscape design with native planting and wildflower areas look like a significant enhancement to the site.
- Excellent idea that will encourage more sport and visitors in Abergavenny.
- Abergavenny has an amazing road cycling club and at the heart of that is the off road club morning they run every week in the grounds at King Henry school. King Henry school plan to enlarge and the large cycling area (also used for sports) will become part of the new school build, gone forever to the cycle club. As such I believe that the velo park application should be viewed along with the school application i.e. if new school goes ahead the velo park definitely should too as there is no alternative venue for the bike club.
- It's about time that the young people were of Abergavenny were given somewhere to cycle, enjoying themselves, learning at the same time. Everything in Abergavenny seems to be about old folk and nothing for the youngsters.
- At a time where we have seen an increase in cycling, providing the infrastructure to support it is vital.
- We have an obesity crisis in our country and having safe cycling routes can help encourage new cyclists to get more exercise.
- The design is very environmentally thoughtful and has taken important steps to protect and sustain biodiversity.
- This will pass on a great legacy for future generations and should be supported.
- This is a fantastic facility for Welsh cycling (beginner to professional) and the public. We need modern cycling facilities to enable Welsh cyclists to compete on a global level and to enable more of the public to engage and have access to cycling.
- My son is a young Maindy Flyer and hopes to compete professionally having such a facility would be of great benefit and support Welsh & British cycling members.
- Cycling is a fantastic sport for all and we need to provide greater access to such a healthy sport.
- The park would provide multipurpose amenities for cyclists and generate additional income for the local community.
- I think this is forward thinking and exactly what we need, to encourage children to have a safe environment to learn, enjoy and develop cycling skills.
- As a family of cyclists (of varying abilities) we have found the lack of cycling provision in Monmouthshire particularly frustrating, especially for younger children seeking to develop their skills in a safe traffic free environment.
- This facility would be a huge benefit to the Monmouthshire community whilst having minimal impact on the natural environment.
- Having visited several of these velo parks across the UK the proposed location is one of the best I've seen. Its proximity to the town centre makes it easily accessible and a real boon to its use.
- To have this sort of facility in an area other than a 'big' city is forward thinking and will benefit the local businesses as it would allow large races to be held thus bringing people into the area. You only need to look at the Abergavenny cycling festival to see the number who children who attend these events from further afield.
- It's good to see within the plans the wild meadows and wetland areas to benefit the local wildlife.
- I hope the planning department will view this development favourably as it will provide a great facility for children in the immediate and nearby localities.
- I don't feel that buildings that have only just been built should have a great right to block this proposal, it was not long ago that those buildings become blots on other peoples view.
- I think that this is the type of facility that would be quiet for nearly all the time. The larger cycle events they hold would be infrequent and i am sure that club days would not cause

significant traffic, at the present club days there was minimal traffic with lots opting to cycle there.

- Some of the residents of the home might even like to see cyclists going round the tracks being people powered they would be very quiet.
- As a business owner, I have seen the benefits to the local economies of MTB and other cycling centres around the UK and wondered why such a passionate area for cycling (Abergavenny) does not have its own specialist local cycling facilities.
- As a volunteer for many years, at Abergavenny Road Club, I have seen the huge benefits that cycling has had in the community. Children starting their first coached sessions at a very young age and just making friends, exercising and having fun or being inspired to race at National and International levels. If our cycling club was able to access this facility then it would provide endless opportunities to develop young cycling talent and promote healthy lifestyle and conscious environmental decisions.
- I am hugely supportive of this application and feel that it is something that should proceed extremely quickly given the huge impact that Covid has had on young people and young people involved in sport.
- I have had the opportunity to take part in events at both Stratford velo park and Redbridge cycling centre. These events are incredibly popular with new cyclists who would normally avoid events on roads because of the dangers of cars. During the pandemic there has been a massive uptake in cycling, this track would be perfectly timed to take advantage of this.

Nine objections received:

- As the CEO of Dormy Care Communities and a Director of Foxhunters Estates, I strongly object to this development: Foxhunters Care Community is situated on Iberis Road and is home for up to 70 ladies and gentlemen. The development of 24 bungalows adjacent to the care home is about to commence which will provide 24 bungalows for the over 55 age group and will offer housing with support. The traffic is already a problem with there often being over 50 cars leading to McDonalds. This would no doubt increase and cause traffic build up on the bypass which is already badly affected. The planned lighting of the scheme would pollute the care home and the bungalows. Noise will also be a problem with the closing time being as planned. With so many other locations available in Monmouthshire, this does not fit in with the local infrastructure and would create nuisance to existing and future home owners.
- As my property looks out onto the proposed site, I cannot support this in its current state. The lighting solution stated will greatly affect my property, as the 5m high flood lights will cause light pollution and disrupt the local wildlife (we have many bats and other nocturnal animals).
- Currently at weekends, there is congestion that backs onto the roundabout and slip lane and there have been several accidents on that stretch of road.
- If the site had solar powered, low level lighting and a dedicated slip lane to divert traffic from the existing slip lane, then this would be much better.
- Race day and weekend traffic will gridlock Llanfoist roads and visitor parking will likely impact residents. There needs to be assurances that any events will be marshalled and locals will be protected.
- Llanfoist is a wonderful area and I fully support projects like this, but I do not think the proposed site is the correct location for this amenity.
- Adding a further facility in this area, without suitable consideration of its impact on the surrounding infrastructure does not seem a feasible plan.
- A wildlife conservation area was established by Monmouthshire County Council adjacent to the location of The Foxhunter Residential Home, Ffordd Sain Ffwyst and the proposed velo park site. This is now well populated by a variety of bird species, amphibians and insect life. The disturbance caused by construction and operation of the cycle track would drive away the bird species and the pond would become a refuse dumping area for the attenders of the track.
- Extra slow moving traffic will cause a considerable increase in local air pollution.

- The level of noise and light pollution produced during construction and operation of this proposed cycle track will cause an unacceptable degradation of the living environment to the residents of Ffordd Sain Ffwyst and The Foxhunter residential complex.
- At present we look out onto open fields and woodland and the main reason for moving here was statements by the developers that there would be no further developments in this area.
- Due to the proximity of the track to Ffordd Sain Ffwyst we believe that there would be a problem with people parking there.
- We are directly on the boundary of the Western field, the closest property to the development. If this goes ahead, could we expect a form of compensation for the residents of Ffordd Sain Ffwyst?
- Believe the Planning Committee should undertake a site visit in order to understand our concerns. And to see the topography for themselves.
- No attention has been given to the concerns of most of us facing the proposed velo park from regarding the hours of operation and the potential nuisance value of the park being open from 08:00 to 21:30 day in, day out.
- The presence of humans on the site, potentially from 08:00 to 21:30 every day, is without doubt going to have an adverse effect on all the wildlife here, in particular the various species of waterfowl that are here. I doubt the herons will visit any more, nor the Canada geese.
- This spring and summer I have heard, for the first time since moving here in 2017, skylarks singing, indicating that they are nesting in the grassy areas that will be used for the velo park.
- No one can pretend that the velo park is going to respect the current fauna in the area. It will definitely have a detrimental effect.
- Traffic will be further increased by the 2 already approved housing developments in Llanfoist (Foxhunter and The Grove) when complete, and are not factored into projections because the traffic survey was undertaken 16 months ago.
- There are only 80 vehicle parking spaces planned on the Velo park site, which again for events such as competitions etc. appears totally inadequate for peaks of activity.
- The proposal is to use an adjacent field for overspill parking. As the report states this field can only be used during dry summer months; the velo park is planned to be in operation throughout the year, so for the majority of the year the adjacent overspill car park will not be usable.
- The proposed alternative overspill car park is to use the car park of Llanfoist Primary School, which has spaces for 52 cars. This will therefore inevitably have to be used for the majority of the year when on site velo park car parking is full.
- The access to the school is through a housing estate, which is completely unsuitable for large numbers of vehicles; this is a family estate with lots of small children playing outside. It could also prevent many users of the school attending community classes in the evening or at weekends, due to being unable to park when the school is in use as an overspill car park.
- These concerns could be easily resolved by increasing the number of planned on site car parking spaces at the velo park so that overspill parking is not required. There is ample space to achieve this increase in on-site parking.
- As it is, local residents cannot access their own homes due to being stuck in giant queues at peak times throughout the week. Llanfoist's already stretched infrastructure simply could not cope with any more users.
- Most walkers and cyclists would have to cross the Llanfoist bridge over the river Usk in order to access the site from Abergavenny. This bridge is very dangerous. The result of this is that local users will most likely drive to the facility thus exacerbating the traffic issues above (not to mention visitors from outside the local area!). Public transport to the site is non-existent either.
- It is my understanding that the allotments currently located at Llanfoist Cemetery need to be relocated by law and the preferred site is alongside the proposed car park for the track. Is this land also not earmarked as overflow car parking needed for larger events? If users can't utilise the allotment land then where do they park? It also goes without saying that

visitors would probably end up parking on local streets which would further inconvenience local residents unless some sort of marshalling system was provided by event organisers.

- There are a number of protected species living on the site, including bats, great crested newts, otters and grass snakes. The development would devastate their natural habitat. It is my understanding that the proposed site in Gilwern was abandoned due to the presence of bats. Why is this site not being granted a similar reprieve? There are more protected species here; it makes no sense.
- The development would cause a huge visual impact to residents living in close proximity in Ffordd Sain Ffwyst and Foxhunters Care Home. Open rolling fields full of fauna and wildlife are to be replaced by 6m wide tarmac roads and tall lampposts which will look unsightly. Also light pollution at night time.
- The proposed facility has the propensity to generate noise in close vicinity of people's houses for up to 13 hours a day, 7 days a week, 364 days a year. This will be a nuisance and will affect the peaceful enjoyment of residents' properties. The character of the area is very peaceful at the moment and the proposed development would no doubt impact on this, especially during races (supporters etc.) especially if there was a tannoy system.
- Users will be able to see into those properties closest to the development.
- On studying comparative cycle tracks across the UK it is evident that this layout is indulgent in the utilisation of land. In this case; green unspoilt land. The Llanfoist design takes up too much ground over generous bends and the use of straight lengths. It all feels unnecessary when the proposal could be compacted onto/into an area half that which is occupied here.
- This particular track design is a wasteful excess, building again upon green pasture land which is better left to more natural environmentally friendly use. I propose a more economic layout of the same length be considered immediately, if not abandoned all together in favour of natural wildlife.
- How much will all of this cost to build and run? Surely MCC have more pressing things to spend money on at the moment.

General comments/suggestions:

- I believe it would be good to include a skateboard park and facility at the site and/or include a capacity to use the planned track for a wider purpose than just bicycles; in particular skateboarders.
- I note the report on otters in the area, it would be excellent to accommodate these marvellous beasts in the eventual site design so as to minimise disturbance to them.
- Moving from London to South Wales has made me aware of the awful "car culture" that exists here. Many people do not believe you cannot live here without a car, and in turn even the shortest trips are taken in a car. I believe that cycling infrastructure like this is essential for combating this way of thinking.
- Gravel/all road cycling is a very popular type of riding where routes are move off road, and use bikes with larger more capable tyres. Potentially it is an opportunity to create a gravel track. This would make sense in an area of Wales littered with gravel tracks. It would also take advantage of this current interest in gravel cycling. Also I would imagine a gravel track would be less expensive to build and also less energy intensive and potentially one of the first in its kind.

5.3 Other Representations

Welsh Cycling:

Welsh Cycling would like to formally express their support for the proposed velo park cycling facility in the Abergavenny area.

The velo park will make a significant difference not just to local cycling clubs but to all residents in the surrounding area by making physical activity more accessible and increasing their opportunities to develop healthy lifestyles. As well as making cycling safer and easier, the facility will support the promotion of cycling for leisure, tourism, club and school activities and enable national and regional level racing to take place.

The inclusion of features that attract a wide range of users including families, recreational cyclists and competitors will help to maximise the use of the facility. The design also allows for other sports such as running and roller skiing and use by wheelchairs and adapted bikes therefore further increasing the number of potential users.

The development of the velo park will allow Monmouthshire to enhance its national and international reputation for cycle sport and tourism. It will also provide the ideal environment to help develop the champions of tomorrow. This facility has the potential to play a significant role in achieving the overarching vision of Welsh Cycling of 'Inspiring Wales to Cycle'. It delivers against our two main strategy strands of 'More people cycling more often' and a 'Performance programme that maximises riders' potential'.

Abergavenny & District Civic Society:

We welcomed the proposal in principle and continue to do so; it appears to broadly satisfy most LDP considerations, though we sympathise with local concerns, especially about traffic, and hope that those concerns will be carefully assessed.

The Pre-Application Consultation report unfortunately makes no direct reference to our comments and concerns. These are presumably subsumed in the short Section 9 and covered by 'to be addressed in the planning application', an unhelpful way of dealing with the need for the report to say how the comments made have been considered when finalising the application. Section 4 of the Summary Statement and Planning Statement summarises the applicant's response to matters raised. Only some small changes and additions to details appear to have been made to the proposals as a result of consultation. There are a number of matters that we still feel need to be taken into account:

1 The latest normal site closing time has become 21.30 rather than 21.00.

2 The applicant has not specifically responded to our concern about noise impact on the Foxhunter nursing/care home. Woodland planting will take some years to muffle such disturbance. We note the owners' concern about this and about traffic and lighting.

3 Concern about traffic congestion has been set aside by an unsubstantiated belief that it is temporary and Covid-related. The Transport Statement concludes that the impact of the proposal will be 'not severe' but the evidence of local residents suggests that the velo park will aggravate a severe problem when fast food and cycling event traffic peaks coincide. We hope that the Statement will be reviewed carefully and critically with your Highways section before making recommendations on the application. Our suggestion of an alternative access via the care home access road might not help this problem and has presumably been rejected, but it would be helpful to read the reasons.

4 As recognised by the applicant, the improvement of cycling access to the site from the wider Abergavenny and Llanfoist area would probably significantly reduce the car traffic generated.

5 The proposal takes no account of the likelihood that access to the site at all times on foot via public rights of way will generate uncontrolled on-street parking in the vicinity by spectators. Temporary PROW closures may be agreed but these should be infrequent for major events.

6 We believe that the pond south of the care home and the semi-wooded area between the school and Ffordd Sain Ffwyst may also be owned by the County Council, suggesting that the wildlife management of the velo park and these areas should be brought together and adequately resourced.

Abergavenny Road Club:

The club has promoted all aspects of cycling for over 30 years, with a particular regard to youth development. Typically, over 100 local children are encouraged through organised coaching activity each year an excellent way of improving children health and wellbeing. Re-development of the towns Leisure Centre site means the club will lose their facility in the near future having a traffic free venue to develop children is essential for safety and there is a genuine risk to coaching activities if an alternative is not identified. The proposed velo park is an ideal solution. Its purpose-built nature would allow the club to further expand activities, including provision for adults and people with disabilities through the use of adapted cycles. Ideas for adults include mother &

toddler sessions, women specific sessions and general, structured adult sessions with a focus on involving local residents. Abergavenny Road Club regularly access grants to support the training of volunteers, ensuring such activities are feasible and would help maximise use of the proposed velo park

Abergavenny Cycle Group: Members of Abergavenny Cycle Group are excited about the prospect of a new off-road cycling facility in Llanfoist:

Benefits to the local community

Aside from its primary purpose as a circuit for bike racing, ACG believes the velo park offers great potential for recreational cycling, learning to cycle and safe, pleasant exercise in the outdoors. A closed circuit with a good surface is a safe place for parents and guardians to teach young children to ride a bike, and a place for older children and adults to improve their skills and gain confidence. Off-road cycle trails and walking paths are an added attraction.

We also see the scope for exhibition and demonstration events to be held at the velo park. These might include events organised by bike retailers where prospective customers can test ride bikes before purchasing. Elsewhere this has proven to be promote the uptake of electric assist bikes to replace local car journeys. E-bikes are relatively new products, and are a significantly more expensive investment than a traditional bicycle. Yet there is a huge interest in this new form of low-carbon, low impact personal transportation and uptake is growing every year.

The velo park also has the potential to be a hub for a wide range of cycling activities and events in the area, from teach-ins and workshops to social rides and other get-togethers. There is also scope for other human-powered activities - such as hand-cycles and scooters. We also see the potential for a bicycle recycling facility as a partnership between the velo park and the One Planet Centre / MCC Household Waste Recycling Centre. This could involve reconditioning discarded bicycles and resale to local people at fair prices.

The complex topography and high nature value of the site does present challenges in design and construction but we believe the presence of natural features such as ponds, wetlands, wildlife habitats and the varied topography enhances the attractiveness of the site for recreational activities. The project team has put a lot of input into this aspect of the development and we believe it will be managed in a sympathetic way, to increase the amenity value of a location that sees very few visitors at present.

The plans for the facility include a large area set aside for car parking. We understand that for elite level racing events, competitors may be traveling large distances by car but we hope that as many local visitors as possible will come by bike. It would be a bitter irony if a cycling facility contributed to further increases of motor traffic on local roads: road danger and high traffic volumes are the main reason more people don't cycle and walk to get around. We would like to see the site itself, and the surrounding areas be as accessible to visitors arriving by bike as possible. This will require genuine commitment by the velo park project team in partnership with the planning, highways and active travel officers of Monmouthshire County Council.

The development of Llanfoist over the past few decades has been characterised by a lack of coherent planning, and an almost complete absence of planning for active travel. It's been very much 'car first' - up to and including developments that are currently underway. This is despite clear government messages on active travel, including in official Planning Policy Wales guidance and Active Travel Act Design Guidance, and MCC's own recognition of a climate emergency and the pressing need to increase the modal share of sustainable and active travel in the county.

The velo park's own analysis of active travel routes in its pre-planning submission found that none of existing routes to the site meet the standards of safety required by the Active Travel (Wales) Act. This is not a shortcoming of the velo park development per se, rather a legacy of poor decisions in the development of Llanfoist. We hope that the velo park development, and all future developments in Llanfoist, will do a better job of providing safe, direct and pleasant routes for active travel, and placing the car at the lowest priority within the sustainable transport hierarchy.

We would like to see a safe cycle route connecting the site with Merthyr Road (already part of MCC's Active Travel Integrated Network). Our preferred option is via the existing footpath route just to the south of the road access to the McDonalds / Costa Coffee / Premier Inn / Recycling Centre, a route which has heavy traffic and no cycle infrastructure (see map below).

This will enable visitors by bike from Llanfoist and neighbouring settlements of Govilon and Gilwern (via the ex-railway line cycle route NCR 46). We are pleased to see that the velo park site plan already provides for a separate entrance for cyclists and pedestrians at this point of access. All that is required is the upgrading of the existing footpath to a cycleway. We hope that this can be agreed as a precondition for the approval of the velo park planning application. Cycle travel to and from Abergavenny remains problematic, with plans for a new active travel bridge over the Usk on hold, and the absence of cycle infrastructure on the B4246: a four-lane road with two busy roundabouts connecting to the A465 Heads of the Valleys dual carriageway.

Until those problems are addressed, cycle access from Abergavenny to the velo park will be very much 'for confident cyclists only'. It is hard to imagine many parents would allow younger children to cycle from Abergavenny to the site. Installing high quality cycle infrastructure along this important travel corridor should become a highest priority for future investments in active travel in Monmouthshire.

5.4 Local Member Representations

Cllr G Howard - Wishes to withhold any views about the pros and cons of the scheme, due to sitting on the planning committee, so will save observations until whichever meeting it is presented.

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

In Monmouthshire, there is a commitment to increase the accessibility and quality of physical activity opportunities for all residents, with the aim of supporting healthy lifestyles for its residents and allowing them to achieve their sporting potential. The Monmouthshire PSB's Well-being Plan is concerned with creating an active and healthy Monmouthshire, supporting children and young people, and promoting volunteering. The 'Creating an Active & Healthy Monmouthshire Plan' identifies ambitious but achievable opportunities to make more people more active.

Whilst there are no existing purpose-built facilities, an area of the Abergavenny Leisure Centre/King Henry VIII School site has been used by Abergavenny Road Club as its base for coaching, training and events for over 10 years. However, this area is likely to be redeveloped as part of the school's modernisation programme and therefore lost as a cycling facility. There is therefore an established need for a replacement and purpose-built cycling facility for the local cycling network.

The adopted LDP indicates the site is positioned outside of the development boundary; however, it is not safeguarded as a Green Wedge. The pond area is protected as an Area of Amenity Importance (LDP Policy DES2). The area of the existing Waste Recycling Centre and the land located between McDonald's and the One Planet Centre has been protected as a Waste Site. Recent developments include a Re-use Shop on land adjacent to the Waste Recycling Centre near to the entrance to the site. Planning permission was also granted in 2018 for 120 residential dwellings and open space to the south on land at Grove Farm and the construction of 26 residential dwellings on the site adjacent to the Foxhunter Care Home. The site is bounded to the west by DES2 area of amenity importance which consists of pond and associated habitats. Part of the eastern area of the site is within C2 flood plain related to the nearby River Usk.

The site predominantly bounds the eastern edge of the Llanfoist settlement boundary and is partly within the settlement boundary at the northern entrance of the application site. This part of the site

is also within current LDP SAE1 employment site. A proportion of the site is also within LDP SAW1 (ii) potential waste management site.

LDP Policy S5 allows for Community and Recreation Facilities Development proposals that provide and/or enhance community and recreation facilities to be permitted within or adjoining town and village development boundaries subject to detailed planning considerations. The policy also requires new facilities to have good access to public transport, as well as being within walkable distance to as many homes as possible. It is considered that the proposal satisfies this policy with the site being adjacent to settlement boundary of Llanfoist which is itself on a regular bus route. The site is also located within 1.5 miles of Abergavenny Town Centre, approximately 25 minutes walking / 10 minutes cycling distance.

The proposed use of the land as a sports and recreation area is therefore considered to be acceptable within a planning policy context.

6.2 Sustainability

6.2.1 Good Design

The design of the proposed site reflects the suitability of the terrain for a mix of different cycling facilities built around a core closed road circuit (CRC) together with cyclocross and introduction level mountain biking. The built development includes:

- o A 6m wide circuit that is 1.13km long with 41m of ascent per lap.
- o The main circuit is 0.91km long with 35m of ascent (excluding the western loop) with street lighting that allows winter and evening activity to take place.
- o A 250m start and finish straight suitable for regional and national events with a finish line shelter for timekeepers and officials.
- o A series of recreational trails located within and alongside the CRC that encourages recreational cycling as well as cyclocross and entry-level mountain biking.
- o Three shipping containers are located within the car park and adjoining the One Planet Centre for the storage of cycling equipment for Welsh Cycling and local clubs.

The existing boundaries and edges are a key asset in terms of ecological and landscape value. The proposed Green Infrastructure Strategy proposes to reinforce these elements to create substantial continuous hedge-lines and woodland belts that will expand and connect habitats, and provide landscape enhancement and visual screening. It is considered that the visual impact of the development will be reduced by the proposed planting and by the detailed layout of elements such as lighting (including omission of lighting for the western area) and the screen planting in response to local landscape character. For those effects that remain, it is considered that they are balanced by the positive change that will be introduced as a result of the development.

The siting of the car parking area and storage area adjacent to the One Planet Centre will help to minimise the visual impact of parked cars and the shipping containers.

Overall, it is therefore considered that the proposed development will not harm the visual amenity of the area and meets the requirements of LDP Policy DES1.

6.2.2 Green Infrastructure

From a Green Infrastructure (GI) perspective it is considered that the application has integrated GI throughout the overall scheme at the same time as providing the development. The scheme has sought to protect and enhance existing biodiversity capital and integrate with existing and new GI corridors linking to boundaries and to the wider landscape.

Within the immediate vicinity of the site, there are a number of significant GI assets including the tree lined River Usk and its floodplain, the overgrown pond and associated marginal habitat to the west, two small ponds within the adjacent farms, and several mature tree groupings along the boundaries of the floodplain fields to the east.

Two public rights of way cross the site. A north/south footpath enters the site between the northern edge of the pond and the care home. From here, the path runs in a south easterly direction towards Racecourse Farm and beyond, to cross Monmouthshire Golf Course. A second footpath runs in a broadly east-west direction passing the southern boundary of the Llanfoist Fawr Primary School and continuing to cross the site and join with the north/south footpath at Racecourse Farm. Currently a dense bank of brambles blocks the linkage between the care home and the site at the boundary. The proposals include the diversion of the two public rights of way and additional new connecting routes. Increased accessibility is also supported through the installation of pedestrian gates, well-constructed paths and gentle gradients where possible.

The experience of visiting the area will therefore be enhanced through substantial improvements to the integrity of the landscape and provision for informal recreation including seating, informal play, a pond viewing platform and interpretation features.

There is an existing footpath order, which is awaiting certification, for Footpath 71 and Footpath 73. The order will see Footpath 71 slightly amended from the application site's boundary to the rear of Foxhunters Care Community and other developments off Iberis Road. Footpath 73 is sought to be redirected to account for further residential development.

Opportunities for environmental education and community involvement in the management of the site is an important benefit of the proposed development and directly linked to the use of the adjoining One Planet Environmental Education Centre.

Landscape aftercare prescriptions in the form of maintenance schedules capable of being rolled over annually for 5 years would be welcome. In addition, a GI management plan based on the most recent layout, planting plans and GI strategy would be required. This can be provided prior to commencement of development via a condition should Members be minded to approve the application.

Subject to this condition, it is considered that the proposed development will provide new green infrastructure that can be enjoyed by both users of the track and the wider community and therefore the proposal meets the requirements of LDP Policy GI1.

6.3 Landscape

The site is located within the low-lying landscape which sits just above the floodplain of the River Usk, adjacent to the urban edges of Llanfoist and Abergavenny and the transport corridors of the A465 and A40. The wider setting includes the upland areas of the Brecon Beacons National Park and the Blaenavon Industrial Landscape World Heritage Site.

The site itself covers an area of approximately 2 ha and is currently managed as a mixture of scrub and grazing which is subdivided into small paddocks. The site's topography is heavily undulated with a high point to its centre, falling both north and south and most steeply towards the River Usk floodplain.

The most notable existing vegetation comprises native boundary hedgerows interspersed with hedgerow trees, together with a small group of 'Category C' trees including an over-mature Ash in the centre of the site and a mature Oak adjacent to the care home. The majority of the site's hedgerows have not been managed in recent times and have become over-mature and gappy. The remainder of the site consists of semi-improved grassland with areas of encroaching scrub, particularly in the north of the site.

The site is visible from the nearby World Heritage Site, the public right of way that cross and run parallel to the site, recently built residential areas, care home and residential areas to the south west of the site. The Agricultural Land Class (ALC) is predominantly predictive grade 2 with a small area to the south of the site predictive ALC 3b. The site accommodates an underground high-pressure strategic utility and is in the vicinity of overhead cables.

Much of the site is in open countryside. The site is within the Upper Usk valley Landscape Character Assessment (LCA) described as a flat, river valley floodplain, of alluvium soils flanked by low river terraces of sand and gravels. It is a landscape of outstanding ecological interest identified as a rare example of a large mesotrophic lowland river. Small enclaves of wetland habitats are particularly important and are found along the lower Usk floodplain below Abergavenny. Large fields of arable crops and improved pasture dominate. It is an open landscape, enclosure provided only by low intensively managed hedges, in places replaced by post and wire fencing, individual field trees, hedgerow trees and linear tree belts with sinuous lines of willow and alder, following water courses. The inclusion of the River Usk SSSI/SAC within the area, whilst only taking up 5% of the LCA land area emphasises the Landscape Habitat importance of this LCA. An analysis of the relevant sensitivity appraisals from LANDMAP information indicates that the LCA has been evaluated as;

Visual and Sensory; 4% Outstanding, 90% High
Landscape Habitats; 5% Outstanding
Historic Landscape; 7% Outstanding, 89% High
Cultural; 36% Outstanding 64% High

The landscape planting plans have provided a comprehensive detailing of landscaping to provide mitigation as requested, habitat enhancements and diversity and well as effective habitat connectivity. The plant specifications of species, size, density and numbers are acceptable from a landscape and GI perspective.

Policy LC1 of the LDP (New Built Development in the Open Countryside) and Policy LC5 (Protection and Enhancement of Landscape Character) highlight that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects. Based on the assessments and information provided, it is considered that the proposed development and associated landscape mitigation will not have a significant adverse visual impact on the landscape character and its setting. The proximity to existing undulating landform, associated with nearby built development and infrastructure provides an opportunity to integrate the fragmented settlement edge more effectively into the wider landscape. On this basis it is considered that the proposed development meets the requirements of LDP Policies LC1 and LC5.

6.4 Historic Environment

GGAT have advised that the supporting information submitted does not refer to archaeological remains or designations and therefore no consideration has been made concerning any physical impact on buried archaeological remains, or any potential indirect, visual impact of the proposed development. The applicant has confirmed that the Historical Environmental Records (HER) were examined and did not identify any archaeological remains relating to the application site or the immediately adjoining land that may be physically altered by the development. On this basis it is considered that any archaeological features within the site itself would be minor in nature and an appropriately worded planning condition and watching brief would be appropriate on this occasion.

6.5 Biodiversity

A Great Crested Newt survey submitted with the application concluded based on the evidence found, that it is likely that there is a moderate population present. In accordance with the recommendations of this survey, a scheme has been designed which ensures that suitable high quality features will be included that will be managed and monitored adequately by MCC. Amphibian underpasses will be installed under the track, hibernation and safe haven opportunities will be provided inside the track, and the remaining grasslands quality maintained and improved.

Bat activity was noted as occurring principally along the dark fringes of the site which are made up of hedgerows and tree-lines and are planned for retention.

In contrast with other outdoor sports facilities, cycling circuits do not require floodlighting but the track will require street lighting that extends the use of the facility for coaching and training into evening and during the winter months. It should be noted that presently, British Cycling regulations do not allow racing and competitions to take place under street lighting and so this type of event will not happen during the hours of darkness. The ecological surveys have established the presence of bats and reptiles that could be affected by lighting of both the cycling circuit and parking areas. Accordingly, the lighting has been designed to the specific environmental and physical features of the site and use.

The lighting scheme includes two separate elements - the lighting of the car park and street lighting that allows a reduced area of the circuit to be used during the evening.

- o No street lighting for the western area of the circuit to minimise environmental impacts in the area closest to the pond and to maintain dark corridor
- o Specification of extra warm white lighting colours (warm white 2200k LEDs) to minimise impacts on bats and reptiles
- o Full cut off internal louvres fitted to all track lighting for full light cut off behind luminaire.
- o Minimising and avoiding where possible lighting on key habitats and features. The light spill outside of the circuit surfaced area would be below 1 LUX and achieves acceptable ecological standards.
- o Circuit lighting levels within the range of 15 and 22 LUX following British Cycling design guidance
- o Specification of extra warm white lighting colours (warm white 2200k LEDs) to minimise impacts on bats and reptiles
- o Full cut off internal louvres fitted to all track lighting for full light cut off behind luminaire. The car parking area uses semi cut off internal louvres.
- o Minimising and avoiding where possible lighting on key habitats and features. The light spill outside of the circuit area would be below 1 LUX and achieves acceptable ecological standards.

The use of LED lights is specified because they are more directional with light produced in a narrow beam and warm white 2200k LEDs are specified to help limit any ecological impact.

The car park optic has an average of 10 LUX which is appropriate for the type of usage in this setting. Lighting spill grid calculations have been produced at various heights including 0m, 2.5m and 5m. The 5m results show no direct light outside of the circuit area as all the light leaving the fittings goes downwards. At 2.5m and 0m the light spill outside of the track and within the green areas located inside the track is kept below 1 LUX.

The interior elements of the site provide extensive opportunities for habitat creation, and the proposals include areas of wildflower meadow, low scrub, and small groupings of trees. The landform will include slopes and undulations, together with areas of stone, boulders and log piles. The SuDS drainage will provide a network of routes to help direct amphibians towards tunnels which pass under the cycle track, to aid their safe migration. The SuDS basins will be sown with a diverse species wildflower meadow mix which is tolerant of periodic flooding.

Subject to the implementation of the matters identified above - which can be controlled by condition - it is considered that the proposed development will not harm any protected species or the wider environment and the scheme is therefore considered to meet the requirements of LDP Policy NE1 in relation to nature conservation.

6.6 Impact on Amenity

The business plan for the velo park estimates between 10,000 and 20,000 visitors per annum. The final level of use will be known once the programme is fully developed, following a number of test events to establish the capacity of the circuit for racing, and the ability of the venue to manage a range and different sized activities. The users/visitors will be split between public, the education sector, local clubs, Welsh Cycling and private bookings. However, the facility will have a limited capacity, with the numbers of users on site at any one time managed with an agreed programme and carefully controlled in accordance with:

- o British Cycling safety audit of the circuit limiting the number of competitors allowed to take part in a competitive road race.
- o Pre-race entry limits controlling the number of competitors taking part in road or cyclo-cross racing event programme
- o A pre-booking system managing user numbers using the facility for formal training, coaching activity and drop-in session for members of the public.
- o Education and schools programmes managed by the Council and Welsh Cycling.

It is proposed that the velo park will be operational each day from 8:00-21:30. Busier times at the velo park are likely to be Monday to Friday 17:00 to 21:00, weekends 09:00 to 17:00 and bank holidays apart from Christmas Day. Peak times will also change seasonally with use expected to drop during the spring and summer months as the weather improves resulting in more people opting to cycle on the road and local trails. These users are expected to use the circuit more frequently in the autumn and winter months due to the safety and lighting of the facility. The opening hours proposed will be subject to review and will reflect demand although they will not normally extend beyond 21.30.

The use of the facility will not require or use a tannoy speaker or announcement system that might affect residents. Traffic movement within the site will be restricted to the northern car parking area located furthest away from the residential area and closest to the main roads and Waste Recycling Centre. In contrast to traditional team sports, cycling generates very little sound or necessitates shouting or other loud noises whilst cycling. The main coaching areas will be located to the east of the circuit furthest away from residential areas. Research undertaken by the applicant relating to similar CRC's located across the UK has identified no known cycling related noise issues or upheld complaints. However, to limit the risk of noise impacting neighbours the use of the velo park will not take place during unsociable hours - after 21.30 and will not include the western area of the track nearer to residential areas after dark.

Lighting will be fitted with full cut off louvres directing light onto the track only, which will prevent light spill outside the site. Lighting has been omitted from the western field adjacent to the properties on the neighbouring housing estate. The lighting will be user controlled so they are only in use (or dimmable) when required. Cycling under street lights will not take place after 21.30. Screen planting is proposed along the boundary with the Foxhunter Care Home which will filter views of the site as well as the recycling centre whilst retaining views from this property to the south-east.

The potential noise level from such events is not considered to be significant enough to seriously harm local residential amenity and the development therefore complies with LDP policies EP1 and EP3.

6.7 Highways

The highway authority considers that the proposed development will not lead to a real deterioration in highway safety or capacity on the immediate local network and offers no objection to the development. As such it is considered that the development complies with LDP Policy MV1.

6.7.1 Access / Highway Safety

A Transport Assessment (TS) has been submitted in the support of the planning application and in addition to this an Active Travel Audit (ATA) and Event Management Plan (EMP) have been produced.

The TS has demonstrated the following:

- o A review of the local highway network and collision data in the vicinity of the site indicates that there are no apparent problems in relation to the current operation or safety of the local highways;
- o The proposed site access arrangements comply with MCC guidance so that safe and suitable access can be achieved;
- o Proposed parking provision on-site will accommodate the proposed demand and will therefore ensure that there is no adverse impact upon the local highway network; and

o Forecast trip attraction indicates an immaterial increase in traffic movements during the proposed development's peak hours of operation, with no anticipated severe impact on the local highway network (in particular, the Iberis Road / LHWRC Access Road Roundabout Junction).

The EMP is a key document for the safe management of traffic and parking on the small number of occasions across the year that a major cycling event is held. It provides information in relation to the operational periods, parking arrangements, event management procedures, which will all serve to minimise the highways and transportation impacts associated with the regional / national events hosted by the velo park on an infrequent basis.

The TS concludes that the development will not result in a severe impact upon the safety or operation of the surrounding local highway network. This view is shared by the Highway Authority and as such there are no significant highway or transportation matters that would justify the refusal of this planning application on that basis.

6.7.2 Parking

The proposal includes 80 parking spaces which is in accordance with the assessment of similar CRC's and accommodate the entire demand associated with training and coaching activity as well as most larger scale events. A field owned by Monmouthshire CC to the east of the site and adjacent to the Llanfoist Household Waste Recycling Centre shall serve as the primary ad-hoc overflow parking area if required during the drier summer months and can accommodate a total of 320 spaces. The overflow parking spaces will accommodate demand associated with national scale events and prevent overspill parking on the adjacent highway network. Furthermore, should further off-site parking provision be required or if the field is unavailable, other options exist including the nearby Llanfoist Fawr Primary School car park (52 spaces). All off site and overflow parking options, including the use of the school's parking, shall be agreed prior to any large-scale events being sanctioned and managed in accordance with the velo park's Event Management Plan. This arrangement is considered acceptable and in accordance with LDP Policy MV1.

6.8 Flooding

The site is partially within a Zone 2 flood plain where only less vulnerable development (which this scheme is classed as) is permitted. The planning application proposes less vulnerable development (a velo park). NRW's records also show that this site has previously flooded from the River Usk during the December 1979 flood event. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, the tests set out in Section 6.2 of TAN15 are relevant. It is considered that the tests set out in criteria (i) to (iii) have been met. The final test (iv) is for the applicant to demonstrate, through the submission of an FCA, that the potential consequences of flooding can be managed to an acceptable level.

The FCA states that the site rises from east to west with site ground levels ranging between 45-54m AOD and a minimum ground level of 45.50m AOD. Based on these site levels, the FCA shows:

During a 1% (1 in 100 year) plus 25% for climate change annual probability fluvial flood event, the predicted flood level is 46.61m AOD. The majority of the site ground levels are well above 47.00m AOD, therefore the majority of the site will not be inundated with floodwater during this event. It is noted that a small proportion of the site may be inundated with floodwater on the eastern boundary of the site. Furthermore, the area of the site to the north where the car park is proposed to be located has been shown to be located outside the 1% (1 in 100 year) plus 25% for climate change annual probability fluvial flood event outline. During a 0.1% (1 in 1000 year) annual probability fluvial flood event is interpolated as 48.60m AOD the majority of the site ground levels are well above 47.00m AOD, and therefore the majority of the site will not be inundated with floodwater during this event. The area of the site to the north where the proposed car park will be located have been shown to be located outside the 0.1% (1 in 1000 year) annual probability fluvial flood event outline. Furthermore, this area has a minimum ground level of 48.87m AOD which provides a freeboard of 0.27m above the predicted flood level for this flooding event.

The FCA proposes the management of any residual flood risk by recommending the owners/occupants signing up to the Flood Warning System and the preparation of an emergency flood plan. Cut and fill will be required as part of the construction details of the development, the FCA demonstrates that this will not alter the conveyance of any potential flooding and will increase flood storage post development.

The majority of the velo park, would be expected to remain dry in all but the most extreme weather conditions. The proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is therefore considered to be compliant with the requirements of TAN15.

6.9 Drainage

6.9.1 Foul Drainage

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

Any development that does not increase the volume of foul wastewater.

No cafe or toilet facilities are proposed as part of the development at this time. In the future, the existing One Planet Centre has potential to be used or a suitable modular eco-building could be added at a later date for this purpose once phosphate stripping technology is added to the local WWTW. At the current time however, a small number of portaloos will be provided in the parking area for daily use. Large scale events will provide additional portaloos facilities in accordance with event management plans. It is proposed to remove the waste off site to be treated at a WWTW in a non-phosphorous sensitive area in accordance with the foul drainage statement that has been submitted in support of the application. Compliance with a detailed strategy can be conditioned should Members be minded to recommend approval. On this basis no additional waste water will be entering the Phosphorous Sensitive Catchment Area as a result of this development and phosphate impacts can be screened out.

6.9.2 Surface Water Drainage

Surface water and drainage will continue to flow in the same direction as is existing (towards the existing pond from the majority of the site and in the south-eastern corner drainage will continue towards the lower fields and wetland area. There will be no significant additional surface water draining to the area near to Racecourse Farm and attenuation will manage the flow. This is considered acceptable in planning terms. Separate SuDs approval would also be required for the proposal.

6.10 Contaminated Land

Phase I and II Geo-environmental and Site Investigations (January 2020) have been undertaken to establish the development potential of key areas of the site including the area of landfill. The report recommended that no development is progressed on the landfill due to the thickness of the clay

capping layer resulting in the presence of waste materials at shallow depth including metal and glass. This is reflected in the submitted drawings.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. Because of the presence of a high-pressure gas main, a formal consultation in January 2020 under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, established that the HSE did not advise, on safety grounds, against the development although restriction on occupied buildings or major traffic routes within a certain proximity of the pipeline would apply.

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

6.11.1 The following main issues have been identified as concerns by local residents and the Community Council:

1. Lighting

The proposed lighting design provides significant details concerning lighting spill and it should be emphasised that the cycling circuit does not require floodlighting, with only the equivalent of street lighting necessary to enable the use of the facility for coaching and training into the evening during the winter months. To minimise impacts on neighbours the lights will be fitted with full cut off louvres directing lighting onto the narrow area of the track with no significant light spill or glow as is often experienced with sports pitch floodlighting. Lighting has been omitted from the western field closest to the houses at Ffordd Sain Ffwyst.

2. Traffic

The highway authority considers that the proposed development will not lead to a real deterioration in highway safety or capacity on the immediate local network and offers no objection to the development.

Major events will be managed in accordance with an Events Management Plan (EMP) which includes provision for traffic management. The Car Parking EMP provides information in relation to the operational periods, parking arrangements, nearby complimentary services and facilities, and typical event management procedures, which will all serve to minimise the highways and transportation impacts associated with the regional or national events hosted by the proposed velo park on an infrequent basis. Furthermore, a Site User Management Plan will enable the control of the type of activity agreed and the number of site visitors to the site at any one time. A number of test events will take place to establish the capacity of the site and infrastructure to accommodate large scale events.

Whilst walking and cycling is possible via the existing network of footpaths that form part of the County Council's integrated network map, discussions to facilitate the conversion of some of these paths to permissive cycle path will be investigated as part of wider active travel improvements in the area.

Highway issues are reviewed in detail in Paragraph 6.7 above.

3. Wildlife

A series of ecological surveys have been undertaken since June 2019 that identified Great Crested Newts (GCN) and bats have been recorded and evidence of otter moving through the site. The GCN mitigation strategy and GI plan have been developed to ensure maximum protection and habitat connectivity/creation is afforded to these species. An impact assessment has also been undertaken. The Council's statutory consultee on ecological matters, NRW are content with these measures and have offered no objection to the application (subject to suggested conditions). As such it is considered that the proposed development will not harm wildlife interests and will provide net gain for biodiversity in accordance with PPW11. Biodiversity is discussed in more detail in Paragraph 6.5 above.

4. Noise and Disturbance to Local Residents

This aspect has been discussed in Paragraph 6.6. Lighting will be fitted with full cut off louvres directing light onto the track only which will prevent light spill outside the site. Lighting has been omitted from the western field adjacent to the properties on the neighbouring housing estate.

Noise will be limited due to the nature of the proposed use. There will be no requirement for a tannoy or announcement system and shouting normally associated with some team sports is generally not required in cycling.

Screen planting is proposed along the boundary with the Foxhunter Care Home which will filter views of the site as well as the recycling centre whilst retaining views from this property to the south-east.

5. Other

The Council wishes to make future provision for a replacement allotment in the Abergavenny area on a site with a larger car parking provision and easy access to the road. However, this is not part of this application.

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

6.12.1 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.

6.12.2 The Act aims to make "long-lasting, positive changes to both current and future generations". Long-term benefits associated with an increased uptake of active modes may include creating a healthier population and reducing the impact transport has upon the environment by encouraging travel by bicycle instead of more polluting modes. This proposal will help achieve that objective.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 No development shall commence until detailed design and safety audits have been submitted to and approved by the Local Planning Authority for the construction of the means of access from the Council's maintained access road. The development shall be carried out in accordance with the approved details.

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

4 A proportionate Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following:

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan including those that are to be part of strategic landscaping.
 - a. Trees, Hedgerows, grassland
 - b. Green corridors
 - c. Pond environs, interface and blue corridors
- b) Opportunities for enhancement to be incorporated
 - a. Management of Grassland for botanical species diversity and / or protected species including reptiles
 - b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and screening
 - c. Maintain habitat connectivity through and or around the perimeter of the site for species
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

REASON: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

5 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing on site and shall include details of the arrangements for its implementation

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features in accordance with LDP Policies LC5, DES 1, S13, and GI1 and NE1.

6 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.

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 in accordance with LDP Policies LC5, DES 1, S13, and GI1 and NE1.

7 No development shall commence until a Landscape & Environmental Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be carried out in accordance with the approved details.

REASON: To ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site's landscape and environmental features are adequately managed long term in accordance with LDP Policy NE1.

8 No development shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Great Crested Newt Conservation Plan shall be carried out in accordance with the approved details.

REASON: To ensure the protection of Great Crested Newt affected by the development in accordance with LDP Policy NE1.

9 No development, including site clearance, shall commence until a Biosecurity Risk Assessment that considers invasive non-native species (INNS) and specific diseases (e.g. Chytrid) has been submitted to, and approved in writing by, the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of invasive species, and, where present, measures for the control, removal or long-term management of INNS, both during construction and operation. The risk assessment shall consider landscaping and other related plans. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

REASON: To secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site in accordance with LDP Policy NE1.

10 Following substantial completion of the development, an Ecological Compliance Audit (ECA) scheme shall be submitted to and agreed in writing by the Local Planning Authority. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.

REASON: To evidence compliant implementation of all ecological avoidance mitigation and compensation works in accordance with LDP Policy NE1.

11 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

REASON: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

12 Foul waste from portaloos used in association with the development hereby approved shall be managed in strict accordance with a Foul Drainage Strategy to be submitted to and approved in writing by the Local Planning Authority before works commence on site.

REASON: To ensure there is no increase in phosphorous entering River SACs within a Phosphorous Sensitive Area.

INFORMATIVES

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

2 The proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at: <https://www.monmouthshire.gov.uk/sab>

3 The Great Crested Newt Conservation Plan should include:

1. An assessment of impacts during the construction and operational phases of the scheme. This to include an evaluation of the nature, extent and duration of the likely direct and indirect impacts of the development. This assessment should include:
Tabulated review of the extent, distribution and quality of GCN habitat to be removed, retained, enhanced and created, supported by drawings as appropriate;
risks of incidental injury or killing; and
consideration of habitat functionality and connectivity during and post construction.
2. Ecological design considerations. This should include habitat enhancement for GCN within and outside of the development footprint on land within the Applicant's ownership (e.g., the creation of ponds away from the cycle track and artificial lighting, as well as in areas within the red line boundary that are protected from flooding) and should demonstrate how connectivity between habitats is to be maintained post construction.
3. Submission of details and associated plans concerning principles of GCN avoidance and mitigation measures during construction including, but not limited to amphibian fence specifications and proposed locations; fence monitoring and maintenance requirements; and proposed timescales.
4. Submission of further details concerning on-site and off-site GCN habitat compensatory proposals including plans, extent, access, as well as current and proposed tenure. Details shall identify areas of terrestrial and aquatic habitat to be retained, enhanced and created. In respect of aquatic habitats, pond and associated infrastructure design and fish management requirements should be submitted and flood risk assessments to be carried out for each proposed and existing water body.
5. Submission of the principles of a long-term site management plan that includes:
defined aims and objectives;
habitat management prescriptions;
surveillance;
contingency measures if fish or invasive non-native species (INNS) are detected;
licensing requirements; current and any proposed changes to tenure of the dedicated ecology areas;
persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements and proposed dates for updating/revising the management plan.
6. Proposed mechanism for ensure the long-term management and operation of the proposal. In this instance, we surmise that this will be delivered by a planning obligation such as a Section 106 to ensure the long-term conservation measures located outside the red line boundary of the proposal. We suggest the mitigation strategy includes a 'Heads of Terms' document that specifies funding mechanisms, tenure, delivery of management and provisions for updating the management plan.
7. Submission of measures designed to ensure the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots (or other similar features that could trap newts).
8. Submission to include proposed timescales and reporting requirements and longterm financial considerations.
9. Submission of a long-term GCN monitoring plan. The methodology shall accord with, and the results reported through, the Wales Great Crested Newt Monitoring Scheme.

4 The LEMP should include:

1. Details of habitats, landscape, environmental and ecological features present or to be created at the site together with aims and objectives.
2. Details of the desired conditions of features (present and to be created) at the site.
3. Details of scheduling and timings of activities.

4. Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver, restore and maintain the target condition/conservation status.
5. Details of monitoring of landscape and ecological features. In respect of great crested newt, the surveillance methodology shall accord with and the results reported through the Wales Great Crested Newts Monitoring Scheme.
6. Wardening and site liaison.
7. Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within 25 years of completion of development.
8. Contingency measures if fish or invasive non-native species (INNS) are detected, and proposals that are capable of being implemented in the event of failure to undertake or to appropriately implement identified or contingency actions.
9. Details of management and maintenance responsibilities.
10. Details of timescales; length of plan; and the method and proposed dates to review and update plans (informed by monitoring) at specific intervals as agreed.
11. Licensing requirements for undertaking habitat management and surveillance.
12. Persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; and
13. Reporting requirements.

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Proposal: A new 4-bedroom dwelling on land adjacent to The Royal George Hotel

Address: Land to the west of the Royal George Hotel, Forge Road, Tintern

Applicant: Mr. Richard Secular

Plans: Location Plan Location Plan - , Ecology Report Ecological Assessment - Pure Ecology 712 05/12/1, Floor Plans - Proposed MED/RS/21/20 - 13/12/21 Proposed Floor, Site Layout MED/RS/23/21 Rev B - Rev B Layout, Elevations - Proposed MED/RS/22/21 - Proposed Elevations, Other MED/RS/3 /20 - Existing Site Levels, Ecology Report 90227 V1 10/03/21 - E Jeffery Unda Consulting, Ecology Report Ecology construction Method Statement - Vintage Oak Buildings

RECOMMENDATION: Approve subject to a Section 106 agreement

Case Officer: Ms Kate Young

Date Valid: 15.10.2020

This application is presented to Planning Committee due to the number of objections received (exceeding four) and at the request of the Local Member

1.0 APPLICATION DETAILS

1.1 Site Description

The application site which measures approximately 55m by 22m has a road frontage onto Forge Road. The front of the site is used as a car park and bin store for the Royal George Hotel in Tintern. The rear of the site, which is part of the hotel garden, is adjacent to the Angidy River. The car park area is flat, constructed of compacted gravel and the land to the north of the site falls away steeply towards the river. To the west of the site is a row of three terraced properties, while to the east is a block of chalets that is run in connection with the Royal George Hotel. The chalet building is set at a much lower level than the car park. There is a coniferous hedge between the application site and the chalets. There is a mixed hedgerow at the rear of the car park. There is a 1.8m high close boarded timber fence forming the side boundary of the property to the west, between that and the car park is a ditch which was dry at the time of the site visit. Some shrubs have been planted in this area.

The site is located within the Tintern Conservation Area and the Wye Valley Area of Outstanding Natural Beauty (AONB). Tintern has been identified in the LDP as a Minor Village. The site is located within an Archaeologically Sensitive Area and the northern part of the site is within a C2 flood zone.

1.2 Value Added

Detailed pre-application advice was given and there have been detailed negotiations with the the Council's Heritage Team concerning the design of the dwelling.

1.3 Proposal Description

The application seeks the erection of a two-storey detached dwelling facing towards Forge Road. The main part of the new dwelling would measure approximately 8m by 12m and be 8.15m in height to the ridge. There would be a protruding gable to the rear, resulting in the building becoming "T" shaped. The floor plans of the gable would measure approximately 5m by 3.5m. The new dwelling would have a roof of natural slate, the walls would be finished in rough-cast render with a brick plinth and detailing. The windows will be white painted timber. The footprint of the dwelling would be at least 5m outside of the designated flood zone.

The dwelling would be set back approximately 12.5m from the road. To the front house there would be a gravel driveway to provide for off road car parking for at least 4 vehicles. There would be a low rendered wall to the front of the driveway, and this would contain 1.2m high timber gates. The access splay would be finished in tarmac.

The hedge between the site and the chalets would be reduced in height and a new timber fence

would be erected between the site and the existing beer garden. An ecological assessment and method statement were submitted as part of the application.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|------------------|--|-----------------------|---------------|
| DM/2020/01495 | A new 4 bedroom dwelling on land adjacent to The Royal George Hotel. | Pending Determination | |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H3 LDP Residential Development in Minor Villages
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
LC4 LDP Wye Valley AONB
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
EP2 LDP Protection of Water Sources and the Water Environment
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>

Tintern Conservation Area Appraisal (March 2016):

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

Monmouthshire Parking Standards (January 2013)

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

National Planning Policies (If Any)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):

<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Tintern Community Council (response to amended plans)

The new application now ties in more appropriately with planning guidelines, but because of objections received from members of the public we would request that this matter goes to full planning committee please.

Further comments are made in relation to clarity over:

Parking arrangements – whether this is sufficient and identification of where they are and conflict with the pub parking

Request that the proposed new dwelling should be permanently tied in with the hotel business.

Request more information on possible flooding risks and the ecological construction management plan on habitat.

Requires an archaeological planning condition.

New hedges should be planted

Welsh Water - No objection

The development may require approval of Sustainable Drainage Systems (SuDS) features.

Outlines a condition that surface water should not discharge into the public sewer.

NRW - We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition 1: Flood Risk - Secure implementation of submitted plans and documents. Condition

2: Protected Species - Secure implementation of submitted plans and documents.

Condition 3: Designated Sites - A revised Construction Environmental Management Plan (CEMP).

Flooding

We consider that the applicant has demonstrated the risks and consequences of flooding can be managed to an acceptable level, subject to a condition referring to the mitigation given in the FCA.

Protected Species

NRW do not consider the proposal will be detrimental to the maintenance of the favourable conservation status of the species, subject to the mitigation measures identified in the CEMP being secured by condition.

Designated Sites: River Wye Special Area of Conservation

Given the location of the site within 150m of the River Wye Special Area of Conservation (SAC) concerns are raised that a significant effect from the proposed development on the River Wye SAC cannot be ruled out. To manage the risks to the SAC and protect the water environment during construction, NRW recommend a condition be attached to any planning permission granted requiring that a revised CEMP that fully details how construction will be carried out to avoid run-off to the Angidy River and ultimately the River Wye SAC.

Habitats Regulations Assessment

NRW have reviewed the HRA Screening Matrix & Appropriate Assessment, prepared by your Authority in respect of the above application. We are satisfied with the conclusions of the Appropriate Assessment and agree that the development is unlikely to have a significant effect on

the River Wye Special Area of Conservation (SAC), provided that the planning conditions are adhered to.

Designated Sites: River Wye Site of Special Scientific Interest

The risks from the proposal to the River Wye Site of Special Scientific Interest (SSSI) are the same as to the River Wye SAC as outlined above. Providing the impact pathways referenced above for the SAC are adequately addressed, we consider the features of the SSSI will also be adequately safeguarded.

MCC Highways - No objection.

Following notification of additional information submitted by the applicant in support of the application and specifically addressing concerns raised, namely additional information regarding existing parking provision at the Royal George Hotel and the amended Drawing No.

MED/RS/23/20 Rev A, the highway authority offers the following:

Parking Provision.

The additional details submitted by the applicant demonstrates that the current parking provision provided easily accords with the Council's adopted parking standards, and the highway authority would therefore be unable to sustain an objection on the loss of parking provision.

The highway authority welcomes the proposed amendments to the means of access and offers no objection to the proposed central point of access ensuring that equal visibility is afforded in both directions and the internal arrangement enables all vehicle to park and to access and egress in a forward gear.

Glamorgan Gwent Archaeological Trust -The proposal will require archaeological mitigation; this can be secured with a suitable condition.

MCC Ecology

A HRA (Appropriate Assessment) has been carried out. It is considered that the recommended CEMP condition can be used to secure appropriate enforceable safeguards for protected species in addition to measures to protect the SAC.

MCC Heritage - No objection subject to conditions following amended plans.

Following significant revision on the scheme, both massing, detailing and materials are far more appropriate to the context and setting of the listed buildings and conservation area.

The building is set down, had been broadly traditionally finished in roughcast render with rear offshoot, also set in and down to mask the scale, whilst fenestration and architectural elements have been simplified. Although the location of the development does not lend itself in terms of setting to the development per se, should the required conditions be attached, I do not feel the proposal is sufficiently detrimental in terms of setting alone, that it merits a refusal.

MCC Highways & Flood Management

The applicant's FCA does not appear to take into account historic flooding of the site and we are aware of flows of floodwater from a tributary of the Angidy River. The application has not demonstrated that the dwelling will be protected from such events. We therefore object to the granting of planning permission for the proposed development.

Should the applicant demonstrate an understanding of the flood risk at the site and demonstrate how the dwelling would be adequately protected from future flooding, without increasing flood risk to existing properties, it is likely that we would remove our objection.

Notwithstanding the above the site will still require SAB approval as per our previous response, details of the proposed drainage solutions have been discussed and a solution found that will be included within the SAB approval.

5.2 Neighbour Notification

Letters of support from two addresses include the following issue:

The development would enhance the space and be in keeping with the area.
There is not considered to be a parking issue as the car park is rarely full.

Letters of objection received from six addresses

include the following issues:

The land should be retained as parking for the public house which has been reduced in capacity and no alternative is available. On street parking will cause a hazard and the roads are narrow.

Health and safety concerns relate to traffic

Insufficient parking provision for the hotel

The development is close to adjoining properties and will have a loss of privacy

Not in accordance with the LDP

The development by reason of its bulk, size, and design is incongruent, discordant, excessively dominant and neighbourly that would have a adverse impact on the significance of Tintern

Conservation Area and the adjacent listed buildings

Contrary to the infill guidance SPG, the site has reached capacity

Proximity to the Archaeologically Sensitive Area and should be subject to archaeological restraints

Proximity to a stream and flood zone, potential flooding implications.

Inaccuracies in the information and out of date information

Insufficient notification of the application

Implications of flooding and the nearby culvert

Concerns over precedent

Tree Officer should be consulted.

5.3 Other Representations

As Chair of the Tintern Business Forum, I am writing in support of this planning application. The applicants have invested heavily in The Wild Hare, made many improvements to the premises and transformed the business into a highly successful and popular venue for residents and visitors to Tintern. Most importantly they have created employment in the area and contribute to the dynamism of the wider tourist economy in the village. It is completely understandable that the applicants want to live in the immediate vicinity of their business to ensure that consistently high standards of management and quality are maintained.

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

6.1.1 PPW 11 recognises the need to provide sufficient housing in an area to meet housing need. Tintern has been identified in the LDP as a Minor Village where small scale residential development will be allowed. Policy H3 of the LDP states that in Minor Villages planning permission will be granted for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings provided that there is no unacceptable adverse impact on the village form and character or the surrounding landscape. In this case the plot is of sufficient size to accommodate a dwelling and the associated parking and amenity space. It does fill in a gap between existing properties. The access and dwelling are outside of the flood zone. Therefore, the principle of a new residential dwelling in this location is acceptable and complies with Policy H3 of the LDP.

6.1.2 This application needs to be considered against the Infill Development Supplementary Planning Guidance which was adopted in November 2019. The SPG says that Infill sites are normally regarded as small gaps between existing residential properties, usually with a street frontage. In this case there is a 28.5m street frontage, there is a row of three dwellings immediately to the west of the site, and a block of holiday chalets to the east of the site, the proposal therefore does represent a small gap between residential properties or buildings of a domestic appearance. The size of the infill proposal should reflect the prevailing character of the adjacent properties in terms of scale, mass and rhythm of the street scene. In this case, there is no discernible rhythm in the street scene and there is a mixture of housing styles. The houses on the opposite side of Forge Road tend to be very large with large residential curtilages. The row of three terraced properties to the west of the site are much smaller and set at roughly the same level as the proposed plot. The chalets to the east are set at a much lower level with their roofs just above the hedge line. The proposed dwelling would read as part of the street scene. The proposal would reflect the prevailing character of the area and

is not out of context in terms of the pattern of the built form. The SPG advises that the proposal must respect the scale, form and massing of existing development in the area, there is an expectation that the massing of the proposal should be in proportion to existing neighbouring buildings, as appropriate. In this area there is a wide range of housing styles and ages, there is no prevailing character to match into. The size of the proposed property will be somewhere between the large houses to the south and the smaller ones to the west. It is therefore considered to be within existing parameters and not be incongruous in terms of its scale, mass and bulk. The proposal does accord with the advice given in the SPG for Infill Development.

6.2 Sustainability

The LDP and PPW encourage sustainable development with less reliance on the car. They also promote making the most efficient use of brownfield land. Occupiers of this property could walk to the various facilities that are available in Tintern but would have to use a car to access all other facilities like shops, schools and medical facilities. There is a bus service that runs through the village. It is accepted that Tintern is not a highly sustainable location. The plot is an existing hard surfaced car park, and therefore this is development on a brownfield site, thus protecting a greenfield site from development. The proposal accords with a key objective of PPW11 providing residential accommodation in a relatively sustainable location.

6.2.1 Good Design

The application proposed a two storey, four-bedroom, detached dwelling that will be set well back from the road. This is a hybrid design containing some traditional features and some contemporary details has been modified and amended following extensive negotiation with the Council's Heritage Officer. The basic form of the new dwelling is very simple. The front elevation faces the road and will be most visually prominent. The new dwelling will occupy almost the whole width of the site but there will be at least 1 metre from each of the two side boundaries. The plot narrows at its centre and this is where the new house will be positioned and because of this it will appear that there is more space around the building.

There is a wide range of dwelling sizes in this part of Tintern with some large properties on the opposite side of the road and some smaller terraced properties to the west. This size and massing of the proposed new dwelling are somewhere between these two sizes and are considered appropriate and proportionate for this plot. The ridge height has been kept purposely low so that it is no higher than the terraced properties immediately to the west of the site and it is these properties that set the context. It is the front elevation that will impact most on the street scene, and it comprises a simple form, with a small flat roofed porch just off centre and two rows of symmetrical windows.

The timber windows are Georgian in style and all rest upon stone cills. The dwelling will contribute to a sense of place but because it is set back from the road it will not be visually dominant. The rear elevation will also have a simple design with a protruding gable and a limited palette of materials. This elevation will not be seen when viewed from any public vantage point, there is woodland at the rear of the property. The scale and siting of the new dwelling will respect the character of the area. The dwelling will be finished in render with a natural slate roof, this reflects the finishing materials of adjacent buildings. The proposal will not block any views or natural panoramas through this part of the Tintern Conservation Area as the land beyond the Angidy River rises up and is woodland. The proposal therefore accords with the objectives of policy DES1 of the LDP which seeks high quality sustainable design which respects the local character and historic environment.

6.2.2 Place Making

PPW 11 says that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. In this case the layout, form scale, visual appearance of the development does engage with its surroundings. This area of Tintern is mainly residential although the historic Royal George Hotel and its various outbuildings are located to the east of the site. The design and scale of the proposed dwelling is such that it will contribute to a sense of place whilst the amount of development and its intensity is compatible with development in the adjacent area thus complying with one of the key objectives of PPW11.

6.3.1 The site is located within the Tintern Conservation Area; policy HE1 of the LDP requires that development proposals in conservation areas should, where appropriate, have regard to the Conservation Area Appraisal; in addition, they should seek to preserve or enhance the character and appearance of the area. At present the site is a car parking area of hardstanding with metal barriers along the road frontage. A new dwelling on this site, of appropriate scale and design will ensure a visual enhancement of this part of the conservation area. The new dwelling will not affect any important vistas within or into the Tintern Conservation Area given the topography of the site and surrounding buildings. The new dwelling will not affect any views of Tintern Abbey or the Royal George Hotel. The proposal therefore accords with the objectives of policy HE1. The Royal George Hotel is a Grade II Listed Building, the main part of the hotel faces onto the A466 and is set at a lower level and between this and the proposed plot is a range of outbuildings, including a more modern chalet block. Owing to this the new dwelling will not be seen in the same context as the Listed Building.

6.3.2 The site is situated within the Tintern Conservation Area and the Lower Wye Valley Registered Historic Landscape (HLW (Gt) 3), specifically the Angidy Valley Character Area (HLCA014), as defined within the Register of Landscapes of Outstanding Historic Interest in Wales.

6.3.3 An archaeological watching brief was undertaken to the immediate west of the application site during the construction of a new dwelling in 2018. The watching brief noted that the site had been extensively backfilled in the mid-20th century however, it was also concluded that the base of the made-up ground had not been reached and any archaeological remains present may be encountered beneath the made-up ground. The extent of the made-up ground in the immediate vicinity is unknown and the adjoining site is separated from the proposed application area by a stream, which might indicate that backfilling of the ground may not have occurred to the east of the stream within the application area. The stream runs along the western border of the application site, and adjoins the River Angidy which borders the site to the north. Records and historic maps also indicate that watercourses were diverted from the River Angidy, to feed into a large millpond. It is considered appropriate for an archaeological watching brief to be undertaken during the course of the construction work required for the development, in order to ensure that any archaeological features that are revealed are recorded. GGAT recommend that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted.

6.3.4 The Heritage Officer has offered no objection to the proposal but requests that the doors and windows to the road facing façade shall be made of timber and traditionally painted; this can be imposed by condition.

6.4 Biodiversity

6.4.1 An ecological assessment based on a desk study and a Phase 1 habitat survey has been undertaken to evaluate the nature conservation interest of the site and assess the potential impacts of development on wildlife. The Site lies close to the River Wye Special Area of Conservation (SAC), a site that has been designated for nature conservation at European level. Ecological protection measures will be put in place during construction to prevent any impacts occurring on this designated site. The assessment concluded that habitats within the site have intrinsically low ecological value, and no meaningful potential for protected species to be present. However, it is bounded by watercourses on two sides, which feed into the River Wye SAC and the Ecology Construction Method Statement sets out Biodiversity Protection Zones and the measures that will be put in place to avoid impacts to the SAC that could result from disturbance or pollution of the bounding watercourses.

6.4.2 Ecologists from both MCC and NRW have reviewed the ecological assessment and offer no objections. NRW note that the ecological assessment submitted in support of the application has identified the proposed development has the potential to affect protected species specifically otters, bats and dormice but they do not consider the proposal will be detrimental to the maintenance of the favourable conservation status of the species. Both NRW and MCC Ecologists require a revised Construction Environmental Management Plan (CEMP) is submitted to manage the risks to the SAC and protect the water. This can be requested by condition.

A Habitats Regulations Assessment was carried out by MCC ecologist. NRW reviewed the HRA Screening Matrix & Appropriate Assessment and are satisfied with the conclusions of the Appropriate Assessment; they agree that the development is unlikely to have a significant effect on

the River Wye Special Area of Conservation (SAC), provided that the necessary planning conditions are adhered to. Biodiversity Enhancements have been included on the elevational drawings in the form of a bird box under the eaves on the west elevation and a bat box on the top of the gable on the north-eastern elevation; this is commensurate with the scale of the proposal. This will ensure that the provisions of policy NE1 of the LDP are met with regards to providing biodiversity enhancements.

6.5 Impact on Amenity

6.5.1 The property closest to the site is no 3 Anghidi Close. It has a blank side gable wall facing into the site, there is a 1.8 metre timber fence along the common boundary and then a ditch along which some shrubs have been planted. The proposed new dwelling will have one ground floor opening on its west elevation and this will be a door at ground floor level; this will ensure that there is no overlooking or loss of privacy for the occupiers of no. 3 Anghidi Close. The new dwelling has been designed so that the narrowest part of the dwelling is on the west and this will help to ensure that the new dwelling will not have an overbearing impact on the existing dwelling. To the east of the proposed dwelling is the chalet block, associated with the hotel. These are within the applicant's ownership and can be reconfigured if necessary to alter their aspect. The chalet building is set at a much lower level than the proposed dwelling and a new timber fence will be erected between the chalet block and the new dwelling. Some of the hedge along the common boundary will be retained but will be reduced in height where necessary to ensure safe visibility along the highway. This will ensure adequate privacy for the guests or staff staying in the chalet. On the east elevation there are two small first floor windows these both serve en-suite bathrooms; a condition can be imposed that these be of obscure glazing to ensure no unacceptable direct overlooking or loss of privacy for the occupiers of the chalet building. There is also a ground floor window on the eastern elevation that is serving the living room; the new 1.8m high fence between the chalet and the new dwelling will ensure no unacceptable overlooking between the two.

6.5.2 To the south of the proposed plot and on the opposite side of the road is the garden of Crown Lodge, although this garden is set at a much higher level. The proposed new dwelling will be set back approximately 12.5m from the road and therefore there will be approximately 15m between the front elevation of the new dwelling and the garden area of Crown Lodge. Crown Lodge itself is set further down the road and looks towards the chalet block. The new dwelling will not overlook Crown Lodge.

6.5.3 Part 7.4 of the SPG on Infill Development considers distance between dwellings. The Council's normal privacy standard for new development is that there should be a minimum of 21m between directly facing elevations containing main habitable windows. The proposal accords with this as there are no existing dwellings either in front or behind the proposed dwellings. The proposal accords with the advice given in the SPG on infill development and also with the objectives of policy EP1 of the LDP which requires that new development should have regard to the privacy, amenity and health of the occupiers of neighbouring properties.

6.6 Highways

6.6.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located in the village of Tintern, and occupiers of the new dwelling would be able to walk to the facilities in Tintern but would have to use a car to access all other facilities such as supermarkets, schools and medical facilities. Tintern is regarded as a relatively sustainable settlement in County terms having several local facilities that reduce the need to travel by car. Moreover, it is intended that the owner of the Royal George (now called The Wild Hare) would occupy the dwelling. In this regard the development is sustainable as the applicant would not have to commute to his place of work.

6.6.2 Access / Highway Safety

There is an existing access off Forge Road in this location which previously served a car park. The highway authority welcomes the proposed amendments to the means of access and offer no objection to the proposed central point of access ensuring that equal visibility is afforded in both directions and the internal arrangement enables all vehicles to park and to access and egress in a

forward gear. A development of this size and scale will not be detrimental to the safety and capacity of the immediate highway network around Forge Road. The increase in traffic movements generated by a single additional dwelling will not be significant over and above the number of vehicles using Forge Road. There is sufficient capacity within the adjoining road network to accommodate additional traffic likely to be generated by the proposed new dwelling.

The highway authority offers no objection to proposal.

6.6.3 Parking

The adopted Monmouthshire Parking standards for new dwellings require one off street parking space per bedroom up to a maximum of three. The proposed new dwelling meets this standard. In this case however it is pertinent to look at the parking requirement for the Royal George site as a whole given that the plot for the proposed dwelling was originally used as a car park for the hotel. There are 38 car parking spaces at the front of the hotel.

The applicant has submitted a breakdown of the parking requirements for the whole site, this has been updated in light of the recent developments on the site. This equates to:

1 space for each of the 16 operational rooms, 3 spaces for staff (there is a requirement of one space for every three staff), 11 spaces for the pub, 4 spaces for the new coffee house (requires 1 space for every 5m² of restaurant space @ 80m²). This totals 34 spaces.

The Highway authority has considered this breakdown and concurs with them, based on this information the hotel / restaurant easily complies with the parking standards SPG, and is therefore unable to sustain an objection on highway grounds due to the loss parking.

6.7 Affordable Housing

6.7.1 Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is 3 or more units in Tintern, a main village, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019). The amount of affordable housing proposed will be based on a viability assessment.

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%

In this case the floor area is 175.15m² and the CS rate is 120 so the contribution will be £12,180.00

The applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement. The proposal accords with Policy S4.

6.8 Flooding

6.8.1 The planning application proposes highly vulnerable development (housing). The Flood Risk Map confirms that part of the site is within Zone C2 of the Development Advice Map (DAM) as contained in TAN15. The Chief Planning Officer letter from Welsh Government, dated 9 January 2014, affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The proposed dwelling, access and parking area are all outside a designated flood zone it is only part of the proposed garden that is in the flood zone. The Angidy River runs to the north of the site along the beer garden for the hotel. The footprint of the proposed dwelling will be about 5 metres outside the recognised C2 Flood Zone and is set at a much higher level.

6.8.2 A Flood Consequences Assessment (FCA) was submitted as part of the application and additional information was sent from the applicant's consultant, dated 10th March 2021. The response later states topographic site levels range between 14.90m AOD and 16.50m AOD in the area of the proposed house and between 12.50m AOD and 14.90m AOD for the garden. The finished floor level (FFL) of the ground floor will be set 300mm above the highest adjacent ground level in the area around the proposed house.

Based on the LiDAR ground levels, the FFL of the ground floor will therefore be set at 15.20m AOD. Given the scale of the proposals, NRW are satisfied with the method of determining the flood risk in the absence of hydraulic modelling. Using this method of determining the flood risk it has been

established that the proposed dwelling will be located outside of the fluvial flood outlines for the 1 in 100-year flood event, with the inclusion of an allowance for climate change. Whilst no climate change allowance was applied, the additional climate change allowance is unlikely to result in 4m plus of flooding needed to encroach on the site levels. NRW are satisfied with the letter statement that the proposed dwelling is located outside of the tidal flood outlines. NRW conclude that:

"it is evident that the proposed dwelling will be located out of the fluvial and tidal flood outlines for the area, given the topography of the site. The ancillary garden area will be raised in part to reduce the flooding to this aspect of the development taking that into consideration, we consider the Applicant has demonstrated the risks and consequences of flooding can be managed to an acceptable level".

The site is already made of hardstanding so the proposal will not increase the rate of surface water flow. The driveway is to be of gravel chippings i.e. a porous material. As a result of using a porous material for the driveway instead of the existing tarmac the surface water flow rate may actually reduce. There is a culvert on the opposite side of the road which has been known in the past to get blocked and cause flooding of the site. Since the culvert has been cleared of debris there has been no further flooding.

6.10 Drainage

6.9.1 Foul Drainage

It is proposed that the foul water will discharge into the main sewer. Welsh Water has offered no objection to this.

The connection of new dwellings into the main sewer is in accordance with policy EP5 of the LDP that says that in a sewered area all development shall connect to the main sewer.

6.9.2 Surface Water Drainage

It is proposed that the surface water will go through a sustainable drainage system and then discharge into the Angidy river to the north of the site. The scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The applicant has been informed of this.

6.10 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.

6.11 Planning Obligations

A financial contribution of £12,180.00 for affordable housing in the local area will be required.

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

Tintern Community Council have requested that the new dwelling should be tied to the existing hotel business. This application is being evaluated against policy H3 of the LDP as an Infill Development and is not being justified as part of the business, it is a stand alone application. The proposal complies with that policy and a new dwelling in this location is acceptable in principle. Thus there is no requirement for the new dwelling to be tied to the hotel business. The loss of parking has been considered in the main body of the report and the provision made for the dwelling and retained for the hotel considered sufficient. The tables and chairs have been put up on the car park as a temporary measure to help meet the social distancing regulation, and once the Covid 19 crisis has passed the car park will be restored. The mixed hedge through the centre of the site and part of the coniferous hedge along the eastern boundary will be removed.

Objection letters have been received from six addresses, these mostly refer to parking and access, these issues have been addressed in the main body of the report. The increase in traffic using Forge Road as the result of one additional dwelling is minimal compared to the amount of traffic already using the road, the Highway Authority is satisfied that there is sufficient capacity in the local area to accommodate one additional dwelling. The Royal George is a thriving business which is seeking to expand and occasionally large events are held at the hotel that sometimes causes parking stress that spills out onto the surrounding areas. This stress will not be significantly exacerbated by the erection of one dwelling.

With regards to the archaeology on the site GGAT were consulted and recommended that a condition be imposed requiring written scheme of historic environment mitigation. The proposal will not set a precedent for further infill development because each planning application is determined on its own merits. As discussed above the proposal does accord with the advice in the adopted SPG for infilling. The scale, massing, design and finishing materials of the proposed dwelling does respect the character and appearance of the area and accords with the objectives of Policy DES1. The siting of the new dwelling is such that it meets the privacy distances set out in the SPG and thus it accords with the requirement that all development must respect the privacy, amenity and health of occupiers of neighbouring properties.

The proposal does not involve a detached garage.

The ecology assessment has been evaluated by MCC Ecologists and NRW and found to be satisfactory.

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 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.

6.14 Conclusion

6.14.1 The principle of a new dwelling in this location accords with policy H3 of the LDP which allows for infill development in Minor Villages. The proposal also accords with the advice in the adopted SPG for Infill Development. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location. The design of the new dwelling is acceptable and will preserve the character of this part of the Tintern Conservation Area. The proposal therefore accords with the objectives of policy DES1 and HE1 of the LDP which seeks high quality sustainable design which respects the local character and historic environment. NRW are satisfied that the applicant has demonstrated the risks and consequences of flooding can be managed to an acceptable level. MCC Ecologists and NRW are satisfied with the ecology report, subject to a condition requiring a CEMP and the HRA has been completed and agreed by NRW. The highway authority have no objection to the proposed access or parking arrangements, the proposal complies with policy MV1 of the LDP. The development has an acceptable impact on residential amenity in accordance with Policy EP1. The proposal accords with the objectives of PPW11 and the policies of the LDP.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

Affordable Housing Contribution of £12,180.00

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions:

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

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

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

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

3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: In the interests of residential amenity and to protect the visual character of the area in accordance with policy EP1 and HE1 of the LDP

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

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

5 The first floor windows on the east elevation serving the en-suite bathrooms 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.

6 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or a MCIfA level accredited Member.

REASON: To safeguard any buried archaeological resource

7 No development shall take place until a revised CEMP has been submitted and approved by the LPA. The revised CEMP must fully detail how construction will be carried out to avoid

run-off to the Angidy River and ultimately the River Wye SAC. The CEMP should include: Construction methods: details of materials, how waste generated will be managed, details of silt mitigation methods.

General site management: details of site clearance, details of site construction drainage, appropriately sized buffer zones between storage areas and any watercourse or surface drain.

Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To Safeguard the River Wye SAC. in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Species and Habitats Regulations 2010 (as amended). To Protect European Protected Species in accordance with The Conservation of Species and Habitats Regulations 2010 (as amended) and LDP policy EP3

8 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

9 The Biodiversity net benefit measures as illustrated in plans MED/RS/22/21 entitled Proposed New Dwelling submitted 15/12/21, shall be implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the extension.

Reason: To ensure appropriate mitigation for protected and priority species and provide biodiversity net benefit ensuring compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1

10 Rainwater goods proposed shall be of cast metal with a painted finish alone. Reason: to preserve the setting of nearby listed buildings and Tintern Conservation Area.

INFORMATIVES

1 Please be advised that your proposed scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sustainable-drainage-approving-body-sab>

Application Number: DM/2021/01416

Proposal: Proposed installation of 2no. shower/toilet blocks, to serve site visitors and nearby camp site

Address: Old Station, Tintern, Chepstow, NP16 7NX

Applicant: Monmouthshire County Council

Plans: All Drawings/Plans A9814/TSB/01 - , Location Plan - , Other ECOLOGY REPORT - , Heritage Statement

RECOMMENDATION: Approve

Case Officer: Kate Young
Date Valid: 15.09.2021

This application is presented to Planning Committee as the application is submitted by Monmouthshire County Council Tourism and Leisure Department and there are some unresolved objections

1.0 APPLICATION DETAILS

1.1 Site Description

The site is the Old Station Railway and Picnic Site, Tintern. The site is located in an area of open countryside within the Wye Valley Area of Outstanding Natural Beauty. There are several listed buildings and structures on the site. To the north of the car park is a camping field, which was granted planning approval in 1995. It was used for about 15 years mainly by scout and Duke of Edinburgh Groups but has not be used since 2018 due to lack of facilities.

The site is partly located within a C2 Flood Zone as defined by the Development Advice Map (DAM) of Technical Advice Note (TAN)15 - Development and Flood Risk. The site is outside but adjacent to the 50m buffer of the Wye Valley Special Area of Conservation and is outside the Phosphorous Sensitive Area of the River Wye.

1.2 Value Added

Ecological enhancements

1.3 Proposal Description

The application seeks the erection of two toilet/shower blocks to be used in association with the camping field. Each block would measure 3m x 2.9m and would have a flat roof of 2.6m. The blocks would be clad in timber and have a door at the front and high-level windows on each side. There would be an access ramp and rails to the front of each one as well as three timber bollards. There would be external down-facing wall mounted floodlights installed. The new shower blocks would be connected to mains water via a new pipe under the car park and the foul drainage would discharge to the mains.

A Heritage Impact Statement and an Ecology Report were submitted as part of the application.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|------------------|--|----------|---------------|
| DM/2019/00022 | Formation of new access door for transportation of sit on train unit, to and from current storage location within the signal box. | Approved | 04.04.2019 |
| DM/2021/01421 | Installation of new solar panels to roofs of existing railway carriages. | Approved | 02.02.2022 |
| DC/2012/00543 | Renewal of planning consent 2007/00190 - Phase 1: to lay 500m of 12 1/4 inch railway track from existing signal box to Brockweir bridge, to erect a steel carriage shed (clad in wood) to house engine and rolling stock. Phase 2: to continue track southwards by 280 metres. | Approved | 30.10.2012 |
| DC/2007/00190 | Phase One - to lay 500 metres of 12 1/4 inch railway track from existing signal box to Brockweir Bridge; to erect a steel carriage shed (clad in wood) to house engine & rolling stock - sited by play area. Phase Two - to continue track southwards by 280 metres. | Approved | 29.06.2007 |

| | | | |
|---------------|--|----------|------------|
| DC/2006/01466 | Re-surfacing Of Existing Stoned Footpath On Dismantled Railway Formation With Dense Bitumen Macadam Binding Course Finished With Sealing Grit, Of Dimensions - 2.5M Wide, 395M Long = 987.5 M2 | Approved | 27.06.2006 |
| DC/2014/00875 | Siting of two moveable camping huts. | | |
| DC/2009/00913 | Replacement of two railway carriages | Approved | 18.11.2009 |
| DC/2010/00085 | Flag to be flown from single flag pole. | Approved | 14.04.2010 |
| DC/2005/00059 | Creation Of A Shared Surfaced Path For Cyclists & Pedestrians | Approved | 08.09.2006 |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities

S11 LDP Visitor Economy

S12 LDP Efficient Resource Use and Flood Risk

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

Development Management Policies

LC4 LDP Wye Valley AONB

NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection

DES1 LDP General Design Considerations

SD3 LDP Flood Risk

Supplementary Planning Guidance

Sustainable Tourism Accommodation SPG November 2017:

<https://www.monmouthshire.gov.uk/app/uploads/2016/10/Sustainable-Tourism-Accommodation-SPG-November-2017.pdf>

National Planning Policies (If Any)

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010):

<http://gov.wales/docs/desh/policy/100722tan6en.pdf>

Technical Advice Note (TAN) 15: Development and Flood Risk (2004):

<http://gov.wales/topics/planning/policy/tans/tan15/?lang=en>

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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Tintern Community Council – Required confirmation as to whether the application is part of a plan to form a formal camp site or is it an expansion of the existing site and that there are no plans to change the existing toilets in the main building which serve the Café. Clarification has been provided and no further comments have been made

MCC Heritage - No Objection.

The station was built in 1876 on a meadow at a loop of the river Wye to its north of Tintern Abbey and village itself. Set tightly into tree lines on either side, with clearing at the central track beds although rails are removed. There are three structures listed GII in their own right, being the station itself, the name signage and signaling box, although other upstanding structures at time of listing will also be curtilage listed.

The proposed works to install two shower/ toilet units are however largely confined to the tree line, small in size and set away from the listed buildings so that they are largely unseen and we consider them not to affect the designated setting.

MCC Ecology - An ecological assessment has been provided to inform this application. Whilst the Old Station has a suitable habitat for bats the proposals will not have an impact on this potential habitat but request details of a lighting scheme. In relation to nesting birds, a condition is recommended to restrict timing of works outside the bird season (March – August). The identified net benefits are also welcomed in terms of bird boxes but request an alternative location.

MCC Ecology have raised concerns that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before permission is granted.

NRW - NRW initially raised concerns over protected species and drainage issues and requested conditions for a lighting scheme. However, after discussions additional comments are summarised below.

Flooding, the application is within the flood zone 1 meaning there is a less than 0.1% chance of flooding in a given year and raise no concerns over flooding.

In relation to EPS licences NRW refer to the ecological consultant to advise their client whether the proposals will require a licence. It is noted that dormice have been noted with 60m of the site. If their habitat is to be removed, then a licence would be required.

as a railway.

5.2 Neighbour Notification

Letters of objection received from five addresses

The grasslands here are valuable and rare habitat for wildflowers, fungi, invertebrates and associated wildlife, all of which are vulnerable to too much disturbance. This will lead to future development of the site

The camp site is not needed

Increased light pollution

Detrimental to this public amenity

The addition of publicly accessible toilets to the site would be generally beneficial however, the camping field has had little use in the last two years. It would be more economical to provide water facilities rather than showers that may get little use.

The camping field is protected by SAC status and historic covenants

Increasing the activity of the campsite will adversely affect wildlife interests

This is not an official campsite at the Station and a shower block is not necessary for day visitors.

5.3 Other Representations

Brockweir Community Council - Support the application

It was strongly felt that any enhancements to the site would bring significant benefit to the local community.

Tintern Station Friends - Introducing changes to the land that were never intended and contrary to covenants and other protections. Tintern Station Picnic Area is not a tourist attraction to be developed commercially. Byelaws preclude overnight parking and stays, camping and fires. There are no "campers access steps" (referenced in the drawings) rather a slope to the highway Shower blocks are not part of the heritage of this railway site and will adversely affect the character of a listed building The proposed changes of use do not bring benefits that outweigh any loss or harm, nor do they protect and sustain the historic assets. These developments are not subservient to the primary purpose to conserve and enhance the natural beauty of the area.

The ecology report which is limited in its remit

A tree survey is required

Requires more biodiversity enhancements across the site

Risk of flooding

Impact on residential amenity from overnight camping

Loss of parking including disabled spaces - breach of Equality Act 2010

The fire service has not been consulted

Should refurbish the existing WCs not build new ones

Plans do not enhance the use of the site or facilities for the community.

Consultation and publicity procedures not followed

Little regard to the conservation area, biodiversity and ecological heritage

Does not improve the environmental and cultural well-being of residents and visitors

MCC will be approving a planning application for its own commercial business, to increase income at the expense of residents, heritage and conservation.

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 camp site already has an established use; the main issues in this case are the visual impact of the two shower blocks and their impact on ecology. Generally, PPW and the planning authority are supportive of developments that promote sustainable tourism. The planning system encourages tourism where it contributes to economic development, conservation and social inclusion but needs to recognise the needs of local residents. PPW says that planning authorities should adopt a positive approach to proposals that utilise previously developed land for tourism uses. Given the importance of tourism to the Monmouthshire economy, the need to safeguard, provide and enhance the County's visitor facilities, including the accommodation offer, is essential if Monmouthshire is to realise its potential as a safe, friendly and competitive visitor destination. The LDP provides a positive planning framework to enable appropriate tourism development whilst

ensuring that the County's natural and built environment, on which the tourism market depends, is protected and enhanced. Strategic Policy S11 - Visitor Economy - specifically seeks to enable the provision and enhancement of sustainable tourism development in Monmouthshire stating that development proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations. The principle of the new shower and toilet blocks is therefore acceptable.

6.2. Good Design and Place Making

PPW11 says that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. In this case the two shower blocks are small and will not be visually prominent being set on the northern side of the car park with rising land behind and screened by existing trees. The use of timber cladding is appropriate in this setting and will ensure that the shower blocks appear subservient to the main station building on the site. It is proposed that the colour of the timber cladding matches that of the existing stone buildings. A condition can be imposed to ensure that the colour of the cladding is acceptable. The proposal accords with the objectives of policy DES1 of the LDP and PPW11 promoting good design.

6.3 Historic Environment

The site is outside of the Tintern Conservation Area and not seen within the context of Tintern Abbey. The station was built in 1876 on a meadow at a loop of the River Wye to the north of Tintern Abbey and village itself. There are three structures listed, being the station building, the name signage and the signal box, although other upstanding structures at time of listing are also curtilage listed. A simple contemporary design for the shower block is being used so that it does not detract from the listed structure and the historic legacy of the site. The new structures will stand apart from the main station building so as not to detract from its setting. MCC Heritage Officer has no objection to the proposal saying that "the proposed works to install two shower/ toilet units are largely confined to the tree line, are small in size and set away from the listed buildings so that they are largely unseen and do not to affect the designated setting." The proposal will preserve the special interest and setting of the listed buildings on the site.

6.4 Landscape

The site is located within the Wye Valley Area of Outstanding Natural Beauty (AONB) and therefore should be assessed against Policy LC4 of the LDP. The proposed structures are small in scale and only 2.6m high, they are set against rising ground levels and mature trees and will not be visually prominent in the wider landscape. In addition, the use of timber cladding on the sides of the buildings will help to reduce their visual impact. In this case the proposed development will be subservient to the primary purpose of conserving the natural beauty of the area. The use of this site for tourist purposes is already established and will not be intensified as a result of the two new shower blocks. The design of the structures and the quality is appropriate for this location and will harmonise with the surrounding landscape and built heritage as the structures will appear subservient to the main stone buildings at the station. The proposed new shower blocks will not generate additional traffic and will not significantly impact on nature conservation interests. The proposals will preserve the natural beauty of the Wye Valley AONB and would therefore comply with policy LC4 of the LDP.

6.5 Biodiversity

6.5.1 An Ecology Survey Report by Just Mammals was submitted as part of the application. An external and internal daytime inspection of the building on site was carried out in May 2021 and found that the station offered various features suitable for roosting bats and was assessed to have moderate potential to be used. Several potential access points and possible roost locations were identified in the roof of the building and around the roof edges. Therefore, two dusk emergence/activity observations were conducted on the building. These observations were necessary to establish with a high degree of certainty if bats are using any part of the station building or were likely to be absent. Observation of the station building in May 2021 established the presence of a soprano pipistrelle roost in the roof structure at the south-west corner. The observation in June 2021 revealed two additional soprano pipistrelle roosts in separate parts of the roof at the southern end of the station building: at the gable apex and at the south-east corner. A robust and thorough assessment was undertaken, adhering to good practice guidelines. When the nature conservation significance of the property is considered against recognised criteria, the status of the site is assessed to be low, due to the presence of a common species day roosting in

the building, with no evidence for a maternity roost.

6.5.2 NRW have said, "We have reviewed the bat report "Old Railway Station, Tintern, NP16 7NX, Ecological Survey Report, dated July 2021, by Just Mammals" submitted in support of the application. The proposed development site lies within 250m of the Wye Valley Woodlands Special Area of Conservation (SAC) of which a feature of its designation is the Lesser Horseshoe bat. Evidence of Lesser Horseshoe has been identified under the canopy of the nearby station building, whilst common pipistrelle and soprano pipistrelle are roosting within the building. We also hold a dormouse record within 60m of the proposed development".

6.5.3 MCC Ecologists have reviewed the submitted survey report and agree with its findings and recommendations. The Old Station building itself will not be impacted by the current proposals, and therefore roosting bats should not be affected. MCC Ecologists offer no objection to the proposal for two new shower units however they still have concerns regarding the proposed lighting and request further details are provided regarding the number of lights, its specification and the location/height that they will be installed at.

6.5.4 Given the scale of the proposed development, two small shower blocks free standing to the rear of the Station building on solid ground, the impact of the development on the habitats identified is considered to be very limited. In addition, a condition to provide a lighting scheme has been included and all ecological enhancements will be achieved through the positioning of bird boxes (as referred to below). It is considered that the primary habitats would not be affected by the development. It is noted that dormice have been identified within 60m of the site, however again given the scale, type and position of the proposed development this is not considered to have a detrimental impact on their conservation status.

6.5.5 Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity". This policy and subsequent policies in Chapter 6 of PPW respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The submitted ecology report recommends that two additional bird boxes are installed at the site. This is considered an appropriate level of enhancement for an application of this size. However, the location or specification of the boxes has not been shown on any of the submitted plans.

The location of the application offers the opportunity to target species such as spotted flycatcher and marsh tit which are known to be present within woodlands along the Wye Valley and on the Birds of Conservation Concern (BoCC) Red List. It is recommended that a Vivara Pro Seville 28mm WoodStone Nest Box and a Vivara Pro Barcelona WoodStone Open Nest Box (or similar) are installed on either trees within the site area or on the proposed toilet/shower blocks. Nest boxes should not be installed on a south-facing elevation to avoid risk of birds overheating. This can be the subject of a condition. The proposed enhancements are appropriate and proportional for the proposal and will provide ecological net benefit on the site as required by the Environment (Wales) Act 2016 and Planning Policy Wales Edition 11 and policy NE1 of the LDP.

6.6 Impact on Amenity

The nearest residential property is Station House which is approximately 80 metres to the west of the proposed shower blocks. Between Station House and the proposed structures is the public car park for the Old Station tourist attraction. The proposal will not be visually prominent when viewed from Station House because of the intervening trees and embankment. There will be no overlooking or loss of privacy resulting from the shower blocks given the distance between the new structures and the nearest residential dwelling. At present the Old Station facilities are only open during the day although the car park could be used later than that. It is expected that the shower block would be used throughout the day and evening. This may lead to a slight increase in noise and disturbance. There is an extant use for the camp site and the use of the showers and toilet will not intensify that use. Any impact on residential amenity relating to the occupiers of Station House will not be significant compared to that emanating from the general activity on the Old Station site especially given the distance between the existing property and the proposed shower block. There are no other residential properties in the near vicinity that could be affected by this proposal. The proposal accords with the objectives of policy EP1 of the LDP as it does have regard to the privacy, amenity and health of the occupiers of neighbouring properties. The proposal will not result in any additional overlooking or loss of privacy and any increase in disturbance will be only minimal at most.

6.7 Highways

There are no highway implications as a result of this development. There will be no increase in traffic or loss of parking spaces resulting from the siting of the shower/toilet buildings.

6.8 Flooding

The siting of the proposed structures is in a C2 Flood Zone as defined by the Development Advice Map (DAM) of Technical Advice Note (TAN)15. The application is proposing less vulnerable development.

NRW have been consulted with particular reference to flooding but have not raised an objection in relation to flood risk.

6.9 Drainage

The foul drainage will go to the mains and pipes will be laid under the car park to connect into the existing system. The surface water will soak away; as the total surface area of the structures is less than 100m² SAB approval will not be required.

6.10 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 SACs 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 therefore it will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.11 Contamination

Former railway land can be affected by historic contamination. This is a moderately sensitive site in terms of controlled waters, underlain by a Secondary A aquifer and located 130m from the Wye and its designations. However, the railway has been closed since 1964 - allowing time for some forms of contamination to break down. NRW therefore request a condition relating to the control of contamination, if it is found during construction works.

6.12 Tourism

The site is a well-established tourist facility and Policy S11 of the LDP supports development proposals that provide sustainable forms of tourism. The provision of two shower blocks should not affect the number of people who visit the site.

6.13 Response to the Representations of Third Parties

- One local resident has said that the proposals are contrary to the laws and covenants that protect the site, however this is a private legal matter between the parties involved and not a material planning consideration.
- Concerns are raised that grassland and meadow habitats will be lost as a result of this proposal but the shower structures are not being erected on the riverside meadows.
- Concerns over further development of the site. The whole Old Station site is being upgraded, any additional development that requires planning permission will be subject to separate applications and determined on their merits.
- Concerns over the lighting scheme. External lighting will be provided on the site between the camp site and the shower block, this will be downward facing 'bat friendly' lighting. The details of the lighting system are being requested by condition and MCC Ecology will assist in assessing its acceptability.
- Concerns in relation to ecology have been addressed in the main body of the report; given the small scale of the development and suitable conditions included, the impact of the development on protected species is mitigated and considered acceptable.
- Concerns over the commercial development of the tourist attraction. This application is

addressed on its own merits and is for small-scale provision of showering /toilet facilities at the site. This is considered acceptable and any further development that will require planning permission will be considered separately.

- Impact on the AONB. The proposed structures will be of limited scale and not be visually prominent; they will have very little visual impact and will preserve the natural beauty of the Wye Valley AONB
- Concerns over parking. The development will not impact on parking provision.

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

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

6.7 Conclusion

The proposed shower buildings are small in scale and not visually prominent. There is an established camping facility on the site and the proposal will provide the site with the required washing facilities. The site is a well-established tourist facility and Policy S11 of the LDP supports development proposals that provide sustainable forms of tourism. The principle of providing additional facilities for the site is policy compliant. The scale and design of the structures are appropriate for the setting and accords with the objectives of policy DES1 of the LDP and PPW11, promoting good design. The proposal accords with the objectives of policy EP1 of the LDP as it does have regard to the privacy, amenity and health of the occupiers of neighbouring properties. The proposal will not result in any additional overlooking or loss of privacy and any increase in disturbance will be minimal. A detailed Ecology Report has been submitted with the application and MCC Ecologists conclude the proposal will not affect any ecological interests and would comply with the objectives of policy NE1 of the LDP.

This planning application is policy compliant in all respects and is therefore recommended for approval.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 Nesting Birds

No works (including vegetation clearance) shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a pre-works inspection of the adjacent vegetation for active birds' nests immediately before the work commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: to ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981) as amended

4 Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless

otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

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

5 Biodiversity Net Benefit

Prior to the commencement of development, full details of bird enhancement measures as proposed within Section 10.7 of the submitted 'Ecological Survey Report' by Just Mammals Ltd shall be submitted to and approved in writing by the local planning authority. This shall include full details of the location and specification of the bird boxes/nests/cups and the timing of their inclusion. The details shall then be implemented as approved and shall be retained in perpetuity.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, 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 along the access steps until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, 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 Condition Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 13/07/21

gan **J Burston BSc MA MRTPI AIPROW**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25/01/2022

Costs Decision

Site visit made on 13/07/21

by **J Burston BSc MA MRTPI AIPROW**

an Inspector appointed by the Welsh Ministers

Date: 25/01/2022

Costs application in relation to Appeal Ref: APP/E6840/A/21/3273388

Site address: Greenfield, Merthyr Road, Llanfoist NP7 9LN

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

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Ikaria Development Ltd for a full award of costs against Monmouthshire County Council.
- The appeal was against the refusal of planning permission described as *the “demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy (including green roof) with a private landscaped courtyard plus pool and gym facilities.”*

Decision

1. The application for an award of costs is allowed in part in the terms set out below.

Reasons

2. The Annex at Section 12 of the Development Management Manual, Award of Costs (the guidance) advises at paragraph 1.2 that “*Parties are expected to meet their own costs. An appellant or applicant is not awarded costs simply because their appeal or application succeeds and similarly, a local planning authority is not awarded their costs because their position or decision is upheld. An award of costs may only be made where one party has behaved unreasonably, and that unreasonable behaviour has led other parties to incur unnecessary or wasted expense.*” The guidance provides examples of circumstances which may lead to an award of costs against a Council. Awards may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. In summary the applicant’s cost application is based on: the Council’s provision of vague, generalised and inaccurate information as part of presentations given by members of the planning committee; a failure to act reasonably when considering issues relating to residential amenity; unreasonable behaviour in adding reference to heritage impacts within the reason for refusal; and inconsistency in decision making when considering heritage impacts on similar applications.

4. The Council's decision to refuse planning permission was taken, contrary to the advice of its Planning Officer, following a Committee meeting. However the decision making Committee were not duty bound to follow officer advice, providing they were able to identify sufficiently robust planning reasons for not doing so.
5. The effect of a proposed development on the character and appearance of area is a more subjective matter, often determined by an exercise of judgement in the particular circumstances of a case. Cllr Howard presented at the Committee Meeting as the local ward member, representing the views of his constituents. It was not in my opinion unreasonable for Cllr Howard to present these views to the Committee given his local knowledge of the site and its surroundings. The meeting allowed all parties to present their views, including the appellant. Whilst the Councillors who did speak at the meeting were against the proposal, this does not in itself demonstrate procedural or substantive unreasonableness. I am also satisfied that the Council has adequately addressed this matter in its decision notice and in response to this appeal.
6. The second part of the reason for refusal related to the harm to neighbouring occupiers living conditions. In so determining, the Council rejected the technical advice of its officers that the proposed landscaping and the location/design of the scheme would be effective to prevent such harm. At appeal the Council has done little to support this part of its refusal. Moreover, the conditions proposed in the Officer Report are sufficient to address the harmful impacts identified by the Committee. The Guidance (at 3.11(c)) advises that a planning authority refusing permission on a ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the development to proceed.
7. Given this advice, the technical evidence presented by the applicant and the advice of its Officers, I consider that the Council acted unreasonably through refusing the application on a ground it has failed to evidence adequately at appeal. It follows that the Council's unreasonable behaviour has led to the appellant incurring unnecessary expense in pursuing the appeal on this refusal ground.
8. Turning to the impact of the development on views towards the Blaenavon World Heritage Site (WHS). Members appear to have given little weight to the wide range of factual evidence and information presented by the applicant and statutory consultees. The Planning Committee had no additional information or analysis to form an objective basis for its refusal on heritage grounds. I find there was a failure to substantiate this part of the reason for refusal. Indeed, the ability for parties to be awarded costs is intended to encourage local planning authorities to rely only on reasons for refusal that stand up to scrutiny on the planning merits of the case. I note the applicant's concerns relating to 'inconsistency in decision making' in terms of heritage matters, however, every application must be considered on its own merits, and this site has unique characteristics that set it apart from other developments locally.
9. I consider, therefore, that the Council has behaved unreasonably by failing to produce relevant evidence on appeal to support this ground of refusal, and this has led to the appellant incurring unnecessary expense in pursuing the appeal in relation to this matter.
10. To summarise, although I do not consider that the Council acted unreasonably in refusing the application in relation to the character and appearance of the site and surrounding street scene, and that an appeal could not have avoided, it remains the case that I conclude that the Council acted unreasonably with respect to the heritage and living conditions grounds within its reason for refusal and, in so doing, caused the appellant to incur additional and unnecessary expense. Therefore the award of costs is a partial one in the terms set out.

Conclusion

11. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense has been demonstrated and that a partial award of costs is justified.

Costs Order

12. In exercise of the powers under section 322C and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Monmouthshire County Council shall pay to Ikaria Development Ltd the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to the issues concerning residential amenity and heritage impact.
13. The applicant is now invited to submit to Monmouthshire County Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

J Burston

Inspector

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/07/21

gan **J Burston BSc MA MRTPI AIPROW**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 25/01/2022

Appeal Decision

Site visit made on 13/07/21

by **J Burston BSc MA MRTPI AIPROW**

an Inspector appointed by the Welsh Ministers

Date: 25/01/2022

Appeal Ref: APP/E6840/A/21/3273388

Site address: Greenfield, Merthyr Road, Llanfoist NP7 9LN

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ikaria Development Ltd. against the decision of Monmouthshire County Council.
 - The application Ref DM/2019/01004, dated 21 June 2019, was refused by notice dated 18 November 2020.
 - The development proposed is described as the “*demolition of the existing dwelling and its replacement with an active living centre providing 18 high quality retirement apartments, communal living space, an extensive landscape strategy (including green roof) with a private landscaped courtyard plus pool and gym facilities.*”
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ikaria Development Ltd. against Monmouthshire County Council. This application is the subject of a separate Decision.

Procedural Matters

3. I undertook my site visit on the 13 July 2021. On my visit I also viewed the appeal site from neighbouring properties including: ‘Lochaline’, Gypsy Lane; ‘Mandalay’, Gypsy Crescent; and ‘Orchard Lea’, Gypsy Lane.
4. The description of development as set out on the planning application form is that set out in the banner heading to this decision. However, during the consideration of the application the scheme was amended and the description changed to “*Demolition of a single existing detached dwelling and replacement with 18 retirement apartments, communal living space and a landscaped garden area and courtyard*”. As this description better reflects the development now proposed I have used this in my determination of this appeal.

5. Following the refusal of planning permission Local Planning Authorities and PEDW have received advice from Natural Resources Wales (NRW) in respect of the River Wye Special Area of Conservation (SAC). This relates to an increased level of phosphates within the protected site which is adversely affecting the integrity of the habitat of the river.
6. In line with established case law and the 'precautionary principle', NRW are advising that applications for certain types of development within the River Wye catchment should be the subject of screening under the Habitat Regulations and, consequently, the undertaking of an Appropriate Assessment prior to any decision to grant planning permission. The Council has advised that this advice may be relevant to this appeal on the basis of the location and type of proposed development. As such I have considered this matter in the determination of this appeal.
7. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of making our cities, towns and villages even better places in which to live and work.

Main Issues

8. The main issues in this appeal are the effect of the proposed development on the:
 - character and appearance of the surrounding area, having particular regard to the Blaenavon World Heritage Site (WHS);
 - Living conditions of neighbouring occupiers, with particular regard to loss of privacy and visual impact; and
 - The impact of the proposal on the integrity on the River Wye Special Area of Conservation (SAC).

Reasons

Character and appearance

9. The appeal site is located on the corner of Merthyr Road and Gypsy Lane and accommodates a large dwelling, set in an extensive plot mainly set to grass with mature hedging and trees along its boundaries. The dwelling stands on the highest part of the site with the access driveway sloping downwards towards Merthyr Road. Further dwellings immediately border the appeal site to the south and west. The character of the area is broadly suburban. However, the sylvan boundaries of the appeal site provide an important breathing space to the built form hereabouts.
10. When approaching the appeal site along Merthyr Road from the northeast I noted a number of industrial buildings as well as a hotel and fast food outlet. Nevertheless, these are screened from Merthyr Road and the residential areas of Llanfoist thus forming a discreet enclave of development. Furthermore, when travelling in this direction the eye is drawn to the dramatic landscape of the Blorenge Hills.
11. The existing dwelling on the site would be demolished and the access relocated. The proposed retirement housing building would be 'L' shaped and located broadly along the north and east site boundaries, with the massing of the building broken up into smaller parts through the use of a more varied roof line. As a consequence of this approach and the gradual increase in height from two storeys to three storeys the proposed building complements the scale of development on both sides of the site.

12. There is no attempt to replicate the architecture of the surrounding area. Instead, an unapologetically contemporary design is proposed that seeks to create its own sense of place and respond to the unique characteristics of the appeal site. The scheme has been designed around sustainable principles and comprises a distinct building, incorporating timber, brick and part zinc/part 'green' roofing. Whilst different in its design and appearance, the building seeks to respond to the surrounding area, including the Bloreng Hill and the scale of existing neighbouring buildings. Thus, I see no reason why the building should appear excessive in terms of its scale, density or massing given its enclosed, yet spacious, context and the use of the site topography to accommodate various roof heights
13. In terms of urban typology, whilst the scale, massing and density of the proposed buildings would mark a significant change in the appearance of the site, it would nevertheless be in keeping with the evolving character of Llanfoist and would create visual interest on this corner plot, supporting the legibility of the street scene, insofar as the proposed building would provide a more active residential elevation that is in keeping with the nature of the surrounding streets. Whilst I accept that any proposed landscaping would take time to mature and any screening provided by deciduous trees would lessen during winter months, relatively few mature trees would be removed and suitable planning conditions can ensure that standard size trees are planted and maintained.
14. I also acknowledge that the site benefits from outline planning permission for 4 additional detached dwellings. The appellant has provided illustrative plans to demonstrate that the approved scheme would have a greater ridge height than that proposed. However, I am unaware if these plans have been approved and therefore can carry only very limited weight.
15. The overall approach to design would achieve a high quality scheme embracing contemporary architecture. In my view, this is an appropriate approach, having regard to the site's relatively contained nature, surrounded by mature landscaping. The scheme would present a positive visual influence that would complement, rather than compete with, the surrounding architecture. Moreover, Planning Policy Wales, Edition 11 (PPW), states at paragraph 3.16 that planning authorities should "*not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.*"
16. Given the above, I find that the proposal would not harm the character and appearance of the surrounding area and would be consistent with Monmouthshire Local Development Plan (LDP) policies DES1 (b), (c), (e), (g) and (i) that seek, among other things, to ensure that new development contributes positively to a sense of place, respects its setting, respect built and natural views and panoramas, local distinctiveness and makes the most efficient use of land, and Policy S17 that development shall contribute to creating high quality, attractive and sustainable places. Furthermore, all development proposals must include and promote high quality, sustainable inclusive design which respects local distinctiveness, respects the character of the site and its surroundings in order to protect and enhance the natural, historic and built environments and to create attractive, safe and accessible places.

World Heritage Site

17. The Blaenavon Industrial Landscape was designated as a World Heritage Site (WHS) by UNESCO in 2000 in recognition of the exceptional testimony to the dynamic forces that drove the Industrial Revolution that is told through the areas landscape and heritage assets. In terms of maintaining the integrity of the WHS new development needs to be controlled so as to ensure that the essential values and the important views of the WHS are not diminished. In this respect it is important to appreciate the WHS as a whole.
18. The WHS can be experienced in various ways, from beauty spots, settlements, by travelling the highway network, and through recreational activities including horse riding, cycling and by walking footpaths. As I observed much of the openness of the WHS landscape remains.
19. PPW Paragraph 6.1.22 states that *“World Heritage Sites are international designations recognised for their Outstanding Universal Value, as inscribed by UNESCO. The planning system recognises the need to protect the Outstanding Universal Value of World Heritage Sites in Wales. The impacts of proposed developments on a World Heritage Site and its setting and, where it exists, the World Heritage Site buffer zone and its essential setting, is a material consideration in the determination of any planning application.”*
20. LDP Policy LC2 reinforces the approach set out in PPW stating that *“development within or in the vicinity of the Blaenavon World Heritage Site will only be permitted were it would preserve or enhance the landscape setting and have no serious adverse effect on significant views into and out of the World Heritage Site.”*
21. The appeal site is located outside the WHS and occupies a small fragment of the landscape when viewed from various vantage points within the WHS. In particular the appeal site is visible from the canal corridor. Nevertheless, given the extent of the settlement of Llanfoist, which provides the immediate context of the appeal site, the proposal would be unlikely to be distinguishable from other urban development. Moreover, the visual effect would decrease as the proposed landscaping matures and the ‘green roof’ softens some of the structural elements. Indeed this position is supported by Cadw, who state in their consultation response that *“there will not be an adverse impact on the setting of scheduled monument MM276 or the Blaenavon Industrial Landscape World Heritage Site”*.
22. The WHS Management Plan, referenced by the appellant, recognises the key values and qualities of the site, including the protection of key views that add to the qualities of the heritage environment and protect the visual values of the World Heritage Site. From the evidence before me, and from what I observed on my site visit I do not consider that the views of the WHS from the appeal site contribute to the specific heritage values of the WHS, or its legibility. Moreover, views of key visual landmarks, such as the Bloreng Hills would not be obstructed given the design and layout of the development.
23. Given the above, I find that the proposal would comply with the LDP Policy LC2 as set out above.

Living conditions of neighbouring occupiers, with particular regard to privacy and visual impact

24. The private view from a window is not of itself regarded as a planning matter and there is no ‘right to a view’. However, some proposals can change a view to such an extent that the residential amenities enjoyed by existing occupants would be significantly eroded. In this respect, significant concerns have been raised in relation to the effect of the proposal on the occupants of existing dwellings immediately to the north and south of the site along

Merthyr Road, Gypsy Lane and Gypsy Crescent. The Council's case, as summarised in the reason for refusal, is that there would be a loss of outlook and privacy.

25. It is clear from my site visit that the outlook from the neighbouring existing properties would change significantly. Views of a mature landscaped garden would be curtailed and a significant number of windows and balconies, many of which would be single aspect, would face the existing properties. This would not only affect habitable rooms but also outdoor areas.
26. The closest property is 'Mayalin' on Merthyr Road. Given the above, I have little doubt that the sense of being overlooked as well as the levels of privacy would change but the key question is whether significant harm would be caused to residential amenity or would the resulting grain of development and associated levels of privacy be appropriate and reasonable to expect at this location bearing in mind the appeal site's suburban location.
27. The proposed building would be 'L' shaped, situated adjacent to the north and east boundaries. The flank elevation of the closest part of the building to 'Mayalin' would have limited bathroom windows, although the remainder of the building is orientated so that the windows face towards the garden area for that property. The orientation and separation distances between the development and the shared boundary would prevent any direct loss of privacy to habitable rooms within 'Mayalin', there would be a perception of being overlooked particularly from the balcony areas. However, opportunities for landscaping including the retention of existing trees along the shared boundary do exist, and I see no reason why a suitable landscaping scheme could not come forward, such as that shown on the accompanying plans, to curtail the degree to which overlooking is perceived.
28. Orchard Lea lies adjacent to the appeal site along its Gypsy Lane boundary. In terms of outlook, I noted from my site visit a number of windows within Orchard Lea face towards the appeal site, including those belonging to bedrooms and a first floor balcony. The proposed two-storey building would be within the views from the neighbour's window. However, I consider that the proposed building, of a similar height to that existing at present, would not be so proximate as to significantly obstruct the outlook of Orchard Lea.
29. Whilst I acknowledge the proposal as a whole would result in a major change in the locality, the scale of this change in proximity to Orchard Lea would not be so significant as to cause adverse impacts on the privacy of the neighbouring occupiers, particularly given the tall hedgerow along the shared boundary which provides a good level of intervening screening and the orientation of the wing of the building closest to Orchard Lea. That said, the installation of additional tree planting along this boundary would assist in avoiding any perception of overlooking.
30. Lochaline is located to the south of the appeal site and is the neighbouring property to Orchard Lea. Similarly to Orchard Lea the proposed development would be more prominent than the existing building but the overall scale, mass and height relative to the ground level in Lochaline would not appear excessive or significantly impact upon the outlook of existing occupiers at the distance involved. Again the intervening existing and proposed soft landscaping would result in no harmful loss of privacy.
31. Mandalay is located to the southwest of the appeal site on Gypsy Crescent. From the rear elevation and garden of Mandalay a view of the appeal site can be sought. I have no doubt that the proposal would change the view enjoyed by existing residents. Nevertheless, I do not consider it would be significantly eroded, given the sensitive use of materials and the proposed landscaping, which can be controlled by planning conditions.

32. The Council makes reference to the impact of the proposal on the living conditions of the existing occupiers of the houses on the opposite side of Merthyr Road to the appeal site, insofar that given the scale of the proposal that separation distances should be increased from that normally considered acceptable. I acknowledge that the proposal would introduce a large building that would occupy some parts of the site that are not currently built upon, a number of windows within the proposal would face towards these houses and that the houses along Merthyr Road are located on lower ground than the appeal site.
33. However, the proposed building would be set back from the boundary providing adequate space for landscaping which would increase privacy. The design of the ridgeline of the proposed building and material choices break up the mass of the structure, which would ensure that the building would not appear dominant or overbearing on the occupants of Merthyr Road. Whilst outlook would be altered, the changed view would not be harmful to living conditions. Accordingly, I consider that the separation distances are appropriate in this case.
34. All other properties are further still from the proposal, would have less direct views of the buildings and would have greater intervening space in which to accommodate landscaping, both new and retained, that would filter and soften. As a result, no overbearing, overlooking or other harm would result to any other neighbouring occupants.
35. Drawing matters together, no significant harm would be caused to the living conditions of nearby residents with respect to privacy and outlook. Therefore, the proposal would be consistent with LDP Policy DES1 (d) that seeks to ensure that development achieves appropriate levels of privacy and amenity to existing occupiers.

The effect on the SAC

36. The River Wye is a Special Area of Conservation (SAC) and is protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Natural Resources Wales (NRW) has set new phosphate standards for the River Wye SAC following the revised Common Standards Monitoring guidance updated in 2016 by the Joint Nature Conservation Committee (JNCC). A compliance assessment, conducted by NRW, against these standards found widespread failures on the River Wye.
37. Accordingly, new development within any part of the catchment which will increase the amount or concentration of wastewater effluent or organic materials discharged directly or indirectly into the catchment's waterbodies has the potential to increase phosphate levels within those waterbodies.
38. Whilst a third of the waterbodies within the catchment satisfied the standards, the headroom within these waterbodies to accommodate increased levels of phosphates is limited. If phosphate levels are allowed to rise, the water bodies are at risk of failing the standard. Additionally, for failing sections of the catchment there is no headroom and further increases in phosphate will further worsen the condition of the SAC.
39. NRW therefore recommend that any proposed new development that might otherwise result in increasing the amount of phosphate within the SAC either by direct or indirect discharges must be able to demonstrate phosphate neutrality or betterment.
40. Nutrient Neutrality is where mitigation measures or avoidance included within the planning application can counterbalance any phosphate increase attributed to the proposed development or would lead to betterment. Neutrality will need to be demonstrated with certainty. The development will need to show that it avoids harm to the protected site or provide the level of mitigation required to ensure that there are no adverse effects.

41. The River Wye SAC Nutrient Management Plan states that nationally the main source of phosphates in rivers is thought to be from agriculture and sewage effluent. From the appeal site, foul drainage would pass through the lateral sewer to the Llanfoist Waste Water Treatment Works (WWTW), which after treatment discharges to the River Wye. Dwr Cymru confirmed that this WWTW does not use chemical dosing or specifically removes or monitors phosphates in either influent or effluent.
42. The proposed development would increase sewage discharge to a WWTW that does not remove phosphates. Thus without any mitigation the proposed development would result in an increase in phosphate levels in the River Wye SAC, which is vulnerable to changes in nutrient loading. Therefore an Appropriate Assessment (AA) is required. The AA is set out in the Annex to this decision.
43. The AA concludes that, even with mitigation measures in place, the development would adversely affect the integrity of the SAC. As such I can conclude the proposal would have a likely significant effect on the integrity of the SAC. It would therefore be contrary to the Habitats Regulations and PPW, and would fail to comply with LDP Policies EP1 that seeks to ensure that development proposals that would cause or result in an unacceptable risk/harm to interests of nature conservation due to water pollution will not be permitted, and Policy S13 that states, amongst other matters, that development proposals must protect, positively manage and enhance biodiversity including designated and non-designated sites, and habitats and species of importance.

Other matters

44. The effect of the proposal on highway and pedestrian safety is not a matter contested by the Council, however it is a matter of concern to local residents. Monmouthshire County Council, in its capacity as highway authority, is satisfied that safe access on to Gypsy Lane can be made from the site and that the additional traffic arising from the proposed development can be accommodated on the local road network without causing a significant impact.
45. It is clear from the evidence provided that the local highway network has the capacity to accommodate the predicted traffic that would be generated from the proposed development. There is also no evidence to suggest that any cumulative impacts on the road network would be significant.
46. With regard to pedestrian safety, the proposed site access arrangement show that a pedestrian footway would be maintained on both sides of access with Gypsy Lane to maintain the existing footway network. The local highway/pedestrian network benefit from an acceptable surface and street lighting. Given the relatively straight alignment of Gypsy Lane at the vehicle access point the footway provides good frontage surveillance for pedestrians. Therefore, I do not consider that the proposed development would be detrimental to highway safety or pedestrian safety or the free flow of traffic on the local highway network.
47. Both the appellant and the Council agree that a significant proportion of the County demographics comprise older age groups and the provision of housing for those groups should be considered a priority. However I have no substantive evidence to confirm the housing needs of these groups and any shortfall within the area or that the type of development proposed would meet those needs. As such, I afford the sustainable delivery of housing moderate weight.

48. In reaching this opinion I note that there are other residential developments currently under construction in Llanfoist and that local residents consider that there is no need for further housing. Nevertheless, there is no policy requirement to demonstrate a need for housing within a settlement boundary and the proposal would support the Welsh Government's ambition, as set out in PPW, of sustainable placemaking.

Planning Obligation

49. A completed planning obligation has been submitted that would ensure the delivery of affordable housing. Overall, I find that the provisions of the agreement are reasonable and necessary in order to make the development acceptable. I conclude that the statutory tests are met and that the provisions of the planning agreement are required to allow the appeal.

Planning Balance and Conclusion

50. I am required to determine this proposal in accordance with the development plan, unless material considerations indicate otherwise. The starting point is therefore the development plan. I have found the development would comply with the development plan policies relating to the character and appearance of the area, neighbouring occupiers living conditions and highway safety. These matters are neutral in the final balance as this is expected of all developments.

51. An Appropriate Assessment has been carried out and concludes that that the proposed development would have a significant adverse effect on the integrity of the River Wye SAC and therefore planning permission should be withheld. As such the scheme would conflict with LDP Policies EP1 and Policy S13 and I attach great weight to the policies which seek to protect international and national protected sites because of the importance of those sites for nature conservation. Thus the appeal scheme should be regarded as being in conflict with the development plan when taken as a whole, despite the matters where I have identified policy compliance.

52. It is therefore necessary to consider whether there are other material considerations that indicate a decision other than in accordance with the development plan. The proposal would contribute to market and affordable housing delivery and to the local economy which weighs moderately in favour of the appeal. However, this does not outweigh the conflict with the development plan that I have identified.

53. Accordingly, from the evidence before me and taking into account all other matters raised, the proposal is contrary to the development plan taken as a whole, and as such I dismiss the appeal.

J Burston

INSPECTOR

Habitat Regulations Assessment

Background

1. In January 2021 Natural Resources Wales (NRW) published the results of its Compliance Assessment of Welsh River Special Areas of Conservation (SAC) against Phosphorus Targets. The site lies within the catchment of the River Wye SAC which is currently failing to meet the phosphates targets. The drainage from the development would flow into the river or its tributaries. The descriptions of the site and the proposal are set out in the substantive decision.
2. The need for Habitats Regulations Assessment (HRA) is set out within Article 6 of the EC Habitats Directive 1992, which is transposed into British Law by the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Inspector, as competent authority with respect to the Regulations, will need to decide whether 'likely significant effects' alone or in-combination with other plans or projects, can be ruled out based on the information provided by the parties. The competent authority may agree to the project only after ascertaining that it will not adversely affect the integrity of the European site.
3. Whilst the Regulations provide strict protection, they are not a prohibition on new development or activities. Instead, they involve a case-by-case examination of the implications for each European protected site, its qualifying features and its conservation objectives. There is no statutory method for undertaking an HRA and the approach can vary on a case-by-case basis. Nonetheless, guidance issued from the European Commission sets out a four-stage assessment process involving Screening; Appropriate Assessment (AA); Assessment of Alternatives and Imperative Reasons of Overriding Public Interest (IROPI). AA considers the implications of the proposal for the European site in view of its conservation objectives. Steps 3 and 4 are collectively known as derogation.
4. The purpose of this HRA is to report on the impacts of the scheme on the River Wye SAC, which is a European protected site. Conscious of the requirements of Regulation 63(3) and 63(4) of the Regulations regard has been had to the representations of Natural Resources Wales (NRW), the Local Planning Authority, the appellant and the general public in carrying out this assessment.

Integrity of the Features of the River Wye SAC

5. The appeal site lies within the catchment of the River Wye SAC. The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I: Transition mires and quaking bogs; and Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation. In terms of qualifying species the SAC lists: Allis shad *Alosa alosa*; Atlantic salmon *Salmo salar*; Brook lamprey *Lampetra planeri*; Bullhead *Cottus gobio*; Otter *Lutra lutra*; River lamprey *Lampetra fluviatilis*; Sea lamprey *Petromyzon marinus*; Twaite shad *Alosa fallax*; and White-clawed (or Atlantic stream) crayfish *Austropotamobius pallipes*. 1 Assessment of plans and projects significantly affecting Natura 2000 sites' (2001).
6. The Conservation Objectives for the River Wye SAC include, amongst other considerations, that the ecological status of the water environment should be sufficient to maintain a stable or increasing population of each feature. This will include elements of water quantity and quality, physical habitat and community composition and structure.

7. The issues associated with maintaining the sites integrity include: water levels and flow, water quality, eutrophication (nitrogen enrichment), sedimentation, disturbance and species maintenance; and water quality targets follow those in the revised Common Standards Monitoring Guidance for Rivers (JNCC 2016).

Screening

8. The proposal includes the connection of the foul water from the proposed development to the main sewerage system, managed by Dwr Cymru. Dwr Cymru have confirmed that the Waste Water Treatment Works (WWTW), to which the foul water would flow, does not have a phosphate permit, hence it does not remove phosphates from the wastewater it processes. Accordingly, the discharge from the WWTW into the River Wye would provide a pathway for phosphates to enter the designated SAC. Given that the headroom within these River Wye waterbodies to accommodate increased levels of phosphates 'is limited is failing or close to failing', without appropriate mitigation and taking into account the 'precautionary principle', this proposal would be likely to have a significant effect on the conservation objectives of this European site.
9. Recent caselaw has confirmed that the screening process must exclude any proposed mitigation measures (other than embedded mitigation). Mitigation can be taken into account as part of the AA.
10. Applying the NRW advice, the project does not fall within the types of developments that can be screened out as not likely to have a significant effect on the SAC in relation to phosphorus inputs because it is likely to be a source of additional phosphorus and there is a pathway for impacts.
11. The project cannot therefore be screened out as not likely to have a significant effect on the SAC, nor is it functionally linked to the European site. From the evidence before me, I conclude that there would be likely significant effects arising from this development and therefore an AA is required.

Appropriate Assessment

12. As Likely Significant Effects cannot be excluded, then, in accordance with the Habitats Regulations, the competent authority must undertake an Appropriate Assessment (AA).
13. The appellant has put forward a mitigation measure that is contended would enable it to be ascertained that the proposal would not adversely affect the integrity of the site. In some circumstances, the decision-taker must consider the way in which it is proposed to carry out the project and whether conditions or other restrictions would help to ensure that site integrity is not adversely affected. In practice, this means identifying the potential risks and putting in place a legally enforceable framework with the aim of preventing the risks from materialising.
14. The appellant proposes to use a Private Treatment Plant (PTP) to chemically dose the foul waters prior to it being discharged to the public sewer. A Phosphate Review Technical Note, dated 13 October 2021 (PRTN) was submitted by the appellant which sets out the worst case scenario in terms of phosphate discharge from the proposed development, which equates to 9.86kg/year (worst case scenario). The existing discharge from the appeal site is approximated at 0.66kg/year. Therefore any proposed PTP would need to treat a minimum of 9.2kg/year of phosphorus discharge. These figures have not been challenged by consultees.

15. The type of PTP proposed is a '40 PE Klaro XL'. The Klaro wastewater treatment plant uses sequencing batch reactor (SBR) technology to effectively and efficiently treat waste. It features two chambers - one to hold back the solids, and the other to treat the wastewater using an aeration process. Microorganisms biologically clean the water, allowing sludge to sink to the bottom and a clarified water zone to form at the top. Sludge removal is required, with the chamber having a capacity for up to 12 months. The sludge would need to be removed by a specialised contractor and disposed of at a licensed site.

The manufacturer information states that the PTP removes phosphorus at an efficiency of 94.5%. This would equate to a residual discharge of 0.5423kg/yr, thus better than neutrality. The appellant also provided a number of examples of the PTP in operation and the accompanying test certificates in order to demonstrate the efficacy of the system. I note that one example was used at Loch Leven, which is a Special Protection Area with stringent phosphate and nitrate discharge requirements. Moreover, NRW have confirmed that the certification of the system has been provided by a recognised body which would be reasonable to rely upon. Nevertheless, the schemes referred to do not provide long term testing results to demonstrate that the integrity of the SAC is not negatively affected over the lifetime of the development.

16. NRW advises that PTPs require ongoing management and maintenance to ensure their continued efficiency and that the competent authority would need to be satisfied that the long term monitoring and management measures would be sufficiently secured.
17. Notwithstanding the appellant's suggested condition, there is no certainty at this stage over the course of management that would be taken, particularly in the case of PTP failure. Without details, including maintenance funding over the lifetime of the development, or any other evidence that could persuade me that the development would not affect the SAC, then there is a considerable amount of uncertainty remaining and I must take a cautionary approach. A condition, in my opinion, given the multiple ownership of the development, would not provide a robust or precise approach which could lead to enforcement difficulties. Whilst the appellant also suggested that the company that supplied the plant would also be able to provide a maintenance service, there is no certainty that this would happen, such as a legal agreement.
18. I note that Dwr Cymru have confirmed in their letter dated 10 December 2021, that "*On the basis that the proposed apartments are under a single curtilage, a single phosphate treatment plant (PTP) serving the development would be sufficient. As the lateral sewer to be adopted is downstream of the PTP, we have no concerns.*" However, this does not overcome my above concerns.
19. Accordingly, I do not think that the evidence provides sufficient certainty that the proposed PTP would deliver nutrient neutrality over the lifetime of the development. Having regard to the precautionary principle, I cannot exclude the risk of a significant effect on the conservation objectives of the designated site. It may be the case that the contribution that this proposal would make to nutrient enrichment at the designated site may be small, however, it is also necessary to consider the proposals alone and in combination with other plans and projects.
20. Therefore, it has not been shown that the appeal scheme would achieve nutrient neutrality. I cannot exclude the risk that the proposals would adversely affect the integrity of the River Wye SAC and I do not consider that the risk could be adequately addressed by way of planning conditions. In such circumstances, the Habitats Regulations would indicate that planning permission should be refused, unless there were no alternative solutions that would avoid an adverse effect and there were imperative reasons of overriding public

importance. There was no evidence on alternatives or imperative reasons of overriding public importance and it is unlikely that this housing scheme would meet those high tests. Accordingly, I have not sought further evidence on those matters.

AA Conclusion

21. I have taken into account all the available evidence and have adopted the precautionary principle in carrying out this assessment. It is determined that the risks to the integrity of the qualifying interests and conservation objectives of the River Wye SAC have not been addressed by appropriate mitigation.
22. Accordingly, I conclude that the proposed development would have a significant adverse effect on the ecological integrity of the European Site and therefore planning permission cannot be granted. This conclusion is predicated on the circumstances of the case based on the site's unique context and situation and the particulars of the mitigation offered.

J Burston

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/11/21

gan **Janine Townsley LLB (Hons)**
Cyfreithiwr (Nad yw'n ymarfer)

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 16/02/2022

Appeal Decision

Site visit made on 15/11/21

by **Janine Townsley LLB (Hons)**
Solicitor (Non-practising)

an Inspector appointed by the Welsh
Ministers

Date: 16/02/2022

Appeal Ref: APP/E6840/A/21/3282479

Site address: Land adjacent to Manor Garage, Rogiet Road, Rogiet NP26 3TA.

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Mould against the decision of Monmouthshire County Council.
- The development proposed is change of use of area of land to industrial use.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site falls outside of any settlement boundaries, within the countryside for the purpose of development plan policies. The site is also located within the Rogiet and Caldicot Green Wedge as referred to in policy LC6 of the Monmouthshire County Council Local Development Plan (February 2014) (LDP).
3. The current (albeit unlawful) use of the land is described in the application form as "vehicle parking" and this accords with what I saw to be taking place on site.
4. As the site falls within the green wedge, the main issue for me to consider is whether the proposed development is inappropriate development for the purposes of the development plan and Planning Policy Wales, Edition 11 (PPW) and, if so, whether the harm to the green wedge by reason of its inappropriateness, and any other harm (including in this case the effect on the character and appearance of the area), is clearly outweighed by other considerations so as to amount to the very exceptional circumstances necessary to justify it.

Reasons

5. The appeal site comprises an area of land adjacent to the Rogiet settlement boundary, situated between the edge of Cheesemans Industrial Estate to the east and open fields to the west. The site is immediately to the south of the M48 motorway.
6. In addition to the proposed change of use of the site, the plans show a proposed extension to the east of an existing industrial building. This would provide two additional industrial units and seven vehicle parking spaces.
7. Policy LC6 of the LDP confirms that the purpose of the green wedge is to prevent the coalescence of settlements. The explanatory text to the policy states that development proposals within green wedges will only be permitted where they do not prejudice the open characteristics of the land. The local plan policy considerations are largely in line with national policy considerations set out in PPW. At paragraph 3.69, PPW explains that in addition to general policies to control development in the countryside, there is an additional presumption against development which is inappropriate in relation to green wedges and at paragraph 3.73 it confirms that substantial weight should be attached to any harmful impact which a development would have on the purposes of green wedge designation.
8. PPW states at paragraph 3.75 that the construction of new buildings in a green wedge is inappropriate development unless it is for the one of the specified purposes.
9. As the development would not conform to any of the specified exceptions I can find no support for the proposal in either PPW or the development plan and therefore it follows that the appeal proposal would amount to inappropriate development in the green wedge.
10. PPW provides that openness is an essential characteristic of the green wedge. Openness is defined by the absence of buildings or other forms of development. The construction of two industrial units on a previously open site would inevitably compromise the openness of the green wedge. While the site is currently hard paved and used for the parking of vehicles, there is an absence of any built form and this would be markedly different if industrial units were to be constructed on site. The proposal also includes palisade fencing along the eastern boundary and while the appellant has stated that a landscaping scheme could be conditioned to ameliorate the impact of this, landscaping would not negate the effect of a fence on the openness of the site. The fundamental aim of green wedge policy is to keep land permanently open and the appeal proposal would conflict with this aim.
11. The appellant states that the site is viewed in the context of the adjacent industrial estate and that it does not form a “logical” part of the green wedge. Notwithstanding these submissions, the site does fall within the green wedge boundary and the appellant’s evidence does not address the effect of the proposal on the openness of the green wedge.
12. Turning to the effect of the development on the character and appearance of the area, the character of the appeal site is drawn from its location adjacent to both the industrial estate and the open fields to the west. From some viewpoints the site could be viewed within the context of the industrial estate. As the appellant acknowledges, however, when viewed from the M4 when travelling from the east, the site is viewed across an open area of the green wedge. I acknowledge the appeal site has a different appearance to the rest of the green wedge as it has been cleared of vegetation, has been hard surfaced and has been used for car parking. Despite this, the presence of a field line adjacent to the site does not amount to a termination of the green wedge and since the site remains devoid of built form it is also visually distinct from the industrial estate. This contrast would be lost

with the addition of two industrial units. The proposal would result in a change to the character and appearance of the site at a location adjacent to the open fields which characterise the remainder of the green wedge. The new industrial units would therefore harm the rural character of the area and result in an inappropriate form of development in the countryside. The proposal would therefore fail to maintain the character of the landscape in conflict with policy S13 of the LDP.

13. Notwithstanding this, the explanatory text to policy LC6 of the LPD states that exceptionally, development within the Green Wedge may be considered acceptable where the proposal complies with policy E2 of the LDP.
14. Policy E2 seeks to enable proposals for employment use on non-allocated sites by single-site users or specific large employers that cannot be accommodated on existing or proposed business or industrial sites and sets out the criteria against which such proposals will be assessed. The explanatory text to the policy states that the LDP provides for sufficient industrial estates in the county but the policy allows for an application for a specific large scale employer unable to find a suitable site but normal planning criteria should be taken into account.
15. In this case the proposal is speculative. The application has not originated from a specific employer unable to find a site and it therefore does not accord with the intention of the policy. Furthermore, criterion d) of policy E2 requires that the proposal would cause no unacceptable harm to the surrounding landscape whereas I have already found that the proposal would cause such unacceptable harm. The proposal does not therefore accord with exceptions policy E2. I also note that policy E2 requires that developments will be controlled with a Section 106 agreement to restrict the site to a single user. The lack of any legal agreement before me weighs further against the proposal.

Overall balance and conclusion

16. PPW advises that substantial weight should be attached to any harm to the green wedge due to the inappropriate nature of the proposed development and the harm that this would cause to openness.
17. Balanced against this are the material considerations in support of the proposal. In this case I have considered the location of the site adjacent to an existing industrial estate within a sustainable location and the benefit that may be gained from the provision of an additional two industrial units adjacent to the industrial estate. However, when taken together these do not outweigh the harm the scheme would cause to the openness of the green wedge as inappropriate development in circumstances where the proposal would not accord with the exceptions policy in the LDP. As a result, the very exceptional circumstances required to justify inappropriate development have not been established and the appeal proposal would be contrary to local and national policy.
18. For the aforementioned reasons, and taking into account all matters raised, the appeal is dismissed.
19. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Janine Townsley

Inspector

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