

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 28 March 2022

Notice of meeting:

Planning Committee

Tuesday, 5th April, 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 minutes of the previous meeting.	1 - 12
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
4.1.	Application DM/2019/00800 - Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway. Homestead, Wainfield Lane, Gwehelog, Usk.	13 - 30
4.2.	Application 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.	31 - 48
4.3.	Application DM/2021/01562 - Change of use from C3 (dwelling) to C4 (HMO). Plot 5, Lower Hardwick, Hardwick Hill, Chepstow.	49 - 60
4.4.	Application DM/2021/01623 - Change of use from C3 (dwelling) to C4 (HMO) for maximum of 6 no occupants. Little Hervells Court, 3 Hardwick Hill, Chepstow, NP16 5PT.	61 - 66
4.5.	Application DM/2022/00241 - The proposed construction of surface water apparatus to serve the development of a new care home and residential dwellings approved under planning ref: DM/2018/00696. Land Development south of Crick Road, Crick Road, Portskewett.	67 - 78

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

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

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

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

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

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Mark Davies	Highway Development Manager
Denzil – John Turbevill	Commercial Solicitor
Ian Saunders	Chief Operating Officer, MonLife
Mike Moran	Community Infrastructure Coordinator
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

None received.

2. To confirm for accuracy the following minutes:

2.1. Planning Committee - 12th January 2022

The minutes of the Planning Committee meeting dated 12th January 2022 were confirmed and signed by the Chair.

2.2. Planning Committee - 1st February 2022

The minutes of the Planning Committee meeting dated 1st February 2022 were confirmed and signed by the Chair.

3. 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

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report including the revised conditions in late correspondence, the additional Events Management Plan

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condition and the resolution of the appropriate assessment regarding the foul drainage phosphate issue with Natural Resources Wales (NRW).

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

- Concern was expressed regarding traffic issues around the site, in particular potential parking issues occurring on-site for the larger events that will be held at the venue.
- The school site had been identified as a potential area for parking provision on these occasions. However, when this is full, vehicles might be inclined to park in the nearby residential estate which already experiences school traffic.
- It has been suggested that a field not located within the red line boundary could accommodate in the region of 300 parking spaces. This has not been proposed to be conditioned within the report. The site has also been proposed as an allotment site so could not also be used for overspill car parking.
- Access to the site can be difficult with high volumes of traffic in the area at certain times of the day. Additional traffic generated from the proposed cycle track would exacerbate the existing traffic problems in the area. Transport surveys had been undertaken on a Sunday during the lockdown period which did not accurately reflect the vehicle movements for the area. It was considered that a further survey should have been undertaken.
- Concern was expressed regarding how the condition to control foul water would be enforced.
- Sound amplification generated from spectators attending large events on the site was a concern.
- Out of hours security needed to be addressed.

In response, the Development Services Manager provided the Committee with the following information:

- With regard to the parking overspill issue, officers are looking to condition this via the Events Management Plan.
- Foul water would be a matter for the Authority to enforce and monitor. As part of the detailed Foul Drainage Plan we would seek a plan from the appointed contractor for them to verify where they would move the waste to ensure that it is being located outside the phosphate area.
- The events being held at the site will be on a smaller scale with nominal spectators anticipated to attend.

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- Out of hours security can be controlled by having a barrier to prevent the track being used during this period.

The Community Infrastructure Coordinator provided the Committee with the following information:

- The overspill car park area has been considered as a potential allotment site. However, the site has been discounted as the field is a flood plain and floods at certain times of the year.
- It is not anticipated that there will be many large events being held on the site.

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

- In response to a question raised regarding the overspill car park and whether a condition could be added for use of the land outside of the redline boundary, it was noted that this matter would be discussed with the Authority's legal department prior to issuing a decision.
- In response to questions raised regarding phosphates, it was noted that the Authority is working with Natural Resources Wales (NRW) and environmental regulators to ensure that there are no pathways for this waste to enter into the water course. A mitigation measure of a Foul Drainage Management Plan is being proposed whereby all contractors disposing of the waste will have to adhere to. This would be a condition. In terms of consulting Welsh Water, it does not usually comment on the detail of local planning authority's decision making with regard to the impact of potential phosphate entering into the water course. The local Authority works with NRW which is the environmental regulator in this respect.
- The positive aspects of the application outweigh the negative aspects.
- The pond at the site is largely owned by a third party.
- Significant green infrastructure measures are being provided at the site via condition.
- The temporary toilet provision will be in place until there is a solution to address the phosphate issue. Positive conversations are being held with NRW and Welsh Water with a view to addressing the longer-term issue of toilet provision at the site.
- For larger events, the management plan will be used. Larger events also require an event safety advisory group with a view to minimizing the impact in the area. However, the vast majority of events being held at the site will not trigger this type of concern.

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- We are unable to insist that the applicant provides photovoltaic (PV) lighting as part of the planning application.
- The circuit will be for wheeled vehicles only. It will be fenced off to prevent unauthorised access outside of the scheduled times of use. The public footpaths that run through the site will be diverted around the outside of the fence.

The local Member summed up as follows:

- The traffic survey was atypical having been undertaken on a Sunday during lockdown.
- An additional survey might have identified improvements to the site that could have been enacted.
- The local Member wants to see cycling provision in Abergavenny.
- On this occasion, the local Member has decided to abstain from voting on this application as he has concerns regarding the highways issues.

It was proposed by County Councillor M. Feakins and seconded by County Councillor R. Harris that application DM/2020/00400 be approved subject to the conditions outlined in the report including the revised conditions in late correspondence, the additional Events Management Plan condition and the resolution of the appropriate assessment regarding the foul drainage phosphate issue with Natural Resources Wales (NRW).

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

For approval	12
Against approval	0
Abstentions	3

The proposition was carried.

We resolved that application DM/2020/00400 be approved subject to the conditions outlined in the report including the revised conditions in late correspondence, the additional Events Management Plan condition and the resolution of the appropriate assessment regarding the foul drainage phosphate issue with Natural Resources Wales (NRW).

4. 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

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 Agreement.

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The local Member for St. Arvans, also a Planning Committee, outlined the following points:

- Parking provision within Tintern is limited.
- Concern was expressed that there will not be sufficient parking provision for this application.
- The spaces located outside the hotel are narrow and confirmation is required regarding the number of accessible disabled parking spaces located by the front door to the hotel.
- The application site was originally established as a motel with parking provision provided.
- The Monmouthshire Parking Standards Policy is 20 years old and it was considered that this required reviewing, going forward.

Tintern 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:

'Both Tintern Community Council (TCC) and local residents have previously raised significant concerns regarding the impact of the proposed application in reducing the level of car parking provision at the Royal George Hotel (Wild Hare).

TCC's concerns on this issue remain and have not been satisfactorily addressed.

First, it must be recognised that Tintern already suffers from substantial problems with parking capacity, due to the large visitor/tourist population regularly exceeding the available car parking provision in the village. On a regular basis all car parking spaces in the village are full and, as a result, cars are parked on the public highways, verges and residential lanes, understandably causing public safety and traffic issues and local residential concerns. If the proposed development which is the subject of this application is allowed, this would result in the loss of approximately 12 car parking spaces at the rear of the hotel premises. In the context explained above, TCC cannot support any proposal which would have the consequence of reducing the availability of car parking spaces in the village.

Secondly, the figures which are being used in the current planning application and the planning committee report require clarification as they are inconsistent with the current reality 'on the ground' at the site. TCC notes that:

- *The planning committee report states that there are currently 38 spaces at the front of the hotel premises and that the number required for the premises would be 34, therefore that the requirement would be met.*

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- *This is not correct. The car park to the front of the hotel is currently laid out and marked up for 28 car parking spaces (i.e. 10 spaces less than the planning committee report refers to as being the current figure). TCC does not understand where or how the planning committee report has obtained the figure of 38 spaces.*
- *As noted above, the current car parking capacity at the rear of the hotel is approximately 12 spaces. When combined with the current 28 marked car parking spaces at the front of the hotel, that is a current combined total of 40 spaces (front and rear). If the 12 spaces at the rear of the hotel are lost (as a result of the proposed development which is the subject of this planning application), that will result in the hotel having just 28 car parking spaces. This would be below the required figure (34) referred to in the planning committee report.*
- *The figures given in the application and planning committee report therefore do not correspond with the reality on site. TCC requests further investigation and clarification of these numbers.*

Thirdly, if (as TCC understands) the car parking provision which will be available if the proposed development does proceed is just 28 spaces, then TCC submits that (in addition to not meeting the requirement of 34 car parking spaces noted in the planning committee report) this appears to be substantially inadequate for this very popular and thriving business to accommodate the parking needs of its (a) hotel guests, (b) restaurant/bar/coffee shop guests and (c) staff. Local residents have raised concerns with TCC that the current car parking provision at the front of the hotel is regularly full, therefore demonstrating that the retention of car parking provision at the rear of the hotel is of key importance.'

Ms. P. Gibson, objecting to the application, had prepared an audio recording which was presented to Planning Committee and the following points were outlined:

- Due to the loss of the rear car park there will be an increase in on road parking giving rise to increased congestion, access and safety issues.
- The highways report assess the parking space proposed for the new house to be sufficient. The objector's issue is that 12 current spaces will no longer be available to the hotel.
- Forge Road and Tintern are busy. Concern was expressed that the removal of the rear car park will further increase congestion and safety risks to local people and visitors.
- Removing the rear car park will reduce the parking provision available at the Royal George to below mandated levels. Based on the application, The Planning Department states that 34 spaces are required. The applicant claims there are 38 spaces. However, objectors to the application disagree stating that there are

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26 spaces. Removing the tables in front of the coffee shop would generate another four spaces giving a total 30 spaces.

- It is considered that the application understates the square meterage.
- We are requesting all public areas present and potential will be taken into account, such as the old function room, the upstairs bedrooms, the outdoor pizza area, coffee shop and gardens. With these included the parking requirement would exceed 34 spaces.
- Both car parks are extensively used by their customers. The Royal George has indicated on social media that parking provision is an issue for them.
- It was requested whether the calculation relating to the number of available spaces has been independently verified.
- Promises that no future events will be held and that a home close to the site would be beneficial, and not relevant when applying council policies. The Royal George was put up for sale in December 2021 and is still on the market.
- The objectors asked that the plot of land within the application be legally reinstated within the grounds of the Royal George site as the spaces it provides are needed by the business.
- The proposal goes against the Local Development Plan (LDP) and is not in keeping with an Area of Outstanding Natural Beauty (AONB) and Conservation area.
- The proposal is not considered to be a visual enhancement and will have a negative impact on the amenity and privacy of a nearby listed property opposite the site and the Royal George itself.
- The Heritage officer has only provided a weak endorsement of the application stating that the location does not lend itself in terms of setting to the development.
- Removing the yellow barriers and the redundant camera pole would enhance the appearance and allow use of all the parking spaces.
- It was considered that a precedent would be established as the properties to the west are being used to set the context and to justify this infill. These are the three affordable houses built in recent years which were not objected to.
- The site is on a flood plain and has flooded in the past. The objector made reference to Planning Policy TAN 15.
- The objectors recognise the balance between business needs and the villagers is delicate. However, this is not in the interest of the villagers of Tintern.

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- It was requested that the Planning Committee takes a long term view when considering the application as the rear cark cannot be re-instated if the application is approved.

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

- The proposal is for a single dwelling in a location that is related to the village of Tintern.
- The site is located amongst existing residential uses and alongside the former Royal George Hotel, now known as the Wild Hare.
- The applicant is the proprietor of the Wild Hare and has run the hotel for four years turning it into a thriving local business employing up to 40 people during peak times.
- The proposal is for a new family home for the applicant adjacent to their place of work promoting local businesses and sustainable travel.
- As a small village and a popular tourist destination with historical significance supporting local business within Tintern should be an important consideration.
- The principle of the proposed dwelling is established by virtue of the site being in a central location within the village and alongside existing complementary land uses.
- The proposed development would be classed as a minor infilling between existing residential uses thereby complying with LDP Policy H3.
- In design terms, though there is no consistency of vernacular in the site vicinity, there is traditional form that this proposal has sought to compliment. The dwelling as proposed has been amended since the submission of the original application in consultation with Heritage Officers. The Heritage Officers now conclude that the proposal is in keeping with the local vernacular as a result of the amendments to the plans.
- The site is within Tintern conservation area by way of its siting between existing buildings, the local topography and the dwelling setting along the valley with limited panoramic views, the proposed dwelling will not adversely impact upon the setting of the conservation area. This position is supported by the Heritage Officers who have offered no objection.
- The dwelling and the access are both outside of the defined flood zone with only the rear of the site in zone C2. The application has been accompanied by a flood consequences assessment which has resulted in no objection from Natural Resources Wales (NRW).

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- Supposed historic flooding of the site is based on evidence relating to a blocked culvert.
- There have been objections to the loss of the existing car park that makes up the application site as an overflow car park for the Wild Hare. Through review of the capacity of the main car park of the hotel and the County's car parking standards, it is clear that there is sufficient existing car parking provision meaning there can be no sustainable Highways objection on the basis of loss of parking provision. The Highways Officer accepts that there is no concern from a highways safety perspective and has no objection to the proposals.
- The plot is within walking distance of all local facilities and the applicant's place of work, the Wild Hare.
- The principle of residential development on the site is acceptable. All technical issues have been addressed and the proposal accords with local and national planning policy.
- The applicant's agent asked that the Committee follows the officers' recommendation to approve the application.

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

- Some Members expressed concern regarding whether there will be an adequate number of parking spaces available for the hotel and for the proposed new dwelling and where these spaces will be located on the site. It was considered that deferral of the application would be appropriate to allow officers to negotiate with the applicant with a view to identifying the number of parking spaces available and where they will be located on the site.
- Other Members considered that there was adequate parking provision for the hotel and the new dwelling, as outlined in the report of the application.
- The Head of Planning informed the Committee that the parking provision at the rear of the property is private parking only. The minimum parking spaces required by the business to operate is 32 spaces. The Highways and Planning Departments have reviewed the application and consider that there is no reason to sustain an objection to the proposed dwelling based on the lack of car parking provision for the business.

The local Member summed up as follows:

- There is a need to know where the disabled parking spaces are located on the site.
- The Parking Standards Policy needs to be reviewed.

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- The original use of the space was for the motel units. Therefore, change of use needs to be considered.
- The local Member supports deferment of the application to establish where the parking spaces will be and whether they will be the correct size.

It was proposed by County Councillor L. Brown and seconded by County Councillor R. Harris that we be minded to defer consideration of application DM/2020/01495 to allow officers to negotiate with the applicant with a view to identifying the number of parking spaces available and where they will be located on the site. The application will then be re-presented to a future Planning Committee for consideration.

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

For deferral	-	10
Against deferral	-	4
Abstentions	-	0

The proposition was carried.

We resolved that we be minded to defer consideration of application DM/2020/01495 to allow officers to negotiate with the applicant with a view to identifying the number of parking spaces available and where they will be located on the site. The application will then be re-presented to a future Planning Committee meeting for consideration.

5. DM/2021/01416 - Proposed installation of 2no. shower/toilet blocks, to serve site visitors and nearby camp site - 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.

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

- The floodlight on the gable end of the Old Station building should be replaced with a more suitable alternative in keeping with the surrounding area, with a view to reducing light pollution on the site.

It was proposed by County Councillor A. Webb and seconded by County Councillor P. Murphy that application DM/2021/01416 be approved subject to the conditions outlined in the report.

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

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For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/01416 be approved subject to the conditions outlined in the report.

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

6.1. Greenfield Llanfoist Appeal Costs Decision

We received the Planning Inspectorate report which related to a costs decision following a site visit that had been held at Greenfield, Merthyr Road, Llanfoist on 13th July 2021.

We noted that the application for an award of costs was allowed in part in the terms set out in the Costs Decision report.

6.2. Greenfield Llanfoist Appeal Decision

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Greenfield, Merthyr Road, Llanfoist on 13th July 2021.

We noted that the appeal had been dismissed.

6.3. Manor Garage Rogiet Appeal Decision

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at land adjacent to Manor Garage, Rogiet Road, Rogiet on 15th November 2021.

We noted that the appeal had been dismissed.

The meeting ended at 4.07 pm.

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Application Number: DM/2019/00800

Proposal: Demolition of existing bungalow and outbuildings and replacement with 2no. detached two storey dwelling houses with altered driveway access from highway

Address: Homestead, Wainfield Lane, Gwehelog, Usk

Applicant: Mr. & Mrs. Newman

Plans: Site Plan 1416[BD]01 - REV D, All Proposed Plans 1416[BD]02 PLOT 1 - REV B, All Proposed Plans 1416[BD]03 PLOT 2 - REV B, Location Plan - , Topographical Survey

RECOMMENDATION: REFUSE

Case Officer: Ms. Kate Bingham
Date Valid: 24.05.2019

This application is presented to Planning Committee as there are more than four objections to the proposed development and at the request of the Head of Planning

1.0 APPLICATION DETAILS

- 1.1 The site comprises a garden area around the existing bungalow that is predominantly lawn, a limited amount of overgrown shrub borders and some individual shrubs within the garden to the rear of the bungalow. The majority of the existing vegetation is restricted to the boundaries of the site. Extending from the south to east a concrete block wall forms the boundary between the site and the neighbouring property of Ty Cwtch. The concrete block wall is some 1.8m high.
- 1.2 The proposed development is to demolish the existing bungalow (Homestead) and replace with one four-bedroom dwelling and one five-bedroom dwelling that would be similar in design and form as outlined on the associated plans above. Plot 1 would measure 9m to the ridge and it would include an integral garage. Plot 2 would have a pitched roof that would measure 9m to the ridge. There would also be a detached garage that would be located in front of plot 2. The proposed materials for the dwellings and garage would include fine texture render and larch boarding for the external walls, slate for the roof and coated aluminum or uPVC for the openings.
- 1.3 This application was approved by Planning Committee on 2nd February 2021. The consent was for the demolition of an existing bungalow with outbuildings and the erection of the two detached dwellings. The decision was subsequently subject to a Judicial Review by a local resident, the single ground of challenge to the grant of the permission being that part of the officer's report was substantially misleading in relation to foul drainage, in that there is guidance within approved document H2 that suggests that drainage fields should be at least 15 metres from a building. If that had been applied in this case, the effect would be that each of the proposed drainage fields would be required to be some 5 metres further away from Ty Cwtch and from the proposed buildings.
- 1.4 The Judges judgement on the judicial review is included as an annex to this report. The judge concluded the following:

“Reading the officer’s report as a whole, which incorporated a previous report, the concerns in relation to foul drainage from objectors and the local community council are noted and these include references to the history of drainage issues in the area and to the site being predominantly on clay. In dealing with amenity, the report deals only with visual amenity and privacy. In my judgment, by not referring to the Circular or the Approved Document H2, the members, even as informed readers, are likely to have been left with the impression that as the building control officers were satisfied that the drainage proposals satisfied the

requirements of the 2010 Regulations, that was the end of the matter in respect of such proposals. In the planning context, in my judgment, it was not. To leave it there without fully dealing with the adequacy of the drainage proposals in that context was in my judgment significantly misleading”.

1.5 On this basis alone, the decision was quashed and therefore the application is now re-presented to the Planning Committee for consideration. The Local Planning Authority has conducted a complete re-appraisal of the development proposal in light of this judgement and conducted further consultation in the form of the erection of a site notice at the site and consultation with the local community council, neighbouring parties and statutory consultees.

2.0 RELEVANT PLANNING HISTORY

DC/2007/01071	New house & detached garage (revised scheme following permission DC/2006/00303).	Approved	07.12.2007
DC/2006/00303	New detached dwelling with internal garage	Approved	05.03.2007

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S4 LDP Affordable Housing Provision
S1 LDP The Spatial Distribution of New 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
LC5 LDP Protection and Enhancement of Landscape Character
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
NE1 LDP Nature Conservation and Development
SD4 LDP Sustainable Drainage
EP5 LDP Foul Sewage Disposal

4.0 NATIONAL PLANNING POLICY

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 as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

This section includes any responses to re-consultation following the quashing of the original decision and the additional drainage information received to deal with NRW's Interim Planning Guidance in relation to phosphate levels in the River Usk and Wye SACs. Where there is no response to re-consultation mentioned, no response was received.

Gwehelog Community Council - Objects:

1. The proposed development is an additional development on the lane and not infill. It will make this the third division of a single plot. The plot is only big enough for one house in a rural, countryside setting.
2. Allowing the application will set a precedent for extended development outside the current LDP.
3. Foul drainage remains a significant issue. The potential amount of waste on a small plot will not be managed by a soakaway. The soil in this area will not tolerate the amount of waste that will be produced.
4. The positioning of the plot will not be acceptable - any development should remain on the existing plot or move back, keeping the roof line the same as the other houses on the lane.

5. The proposed development will have a significant impact on traffic along the lane and driveways appear to be directly opposite other properties.

Response to re-consultation:

Re-issued previous response (above).

Natural Resources Wales (NRW) - We have no objection to the application as submitted but request that an informative is attached to any planning permission granted advising that a bat license is required for the works.

Response to Habitats Regulations Assessment 3/12/21: We have reviewed the HRA Screening Matrix and Appropriate Assessment (AA), prepared by your Authority, dated 14/10/2021. The AA correctly identifies a potential in combination effect from the proposal irrespective of the density of discharges currently in the area. The density criteria are in place to consider whether the close proximity of multiple drainage fields (existing and proposed) might compromise performance and risk creating a pathway for effluent to enter the protected site (River Usk Special Area of Conservation (SAC)). The AA has also considered factors such as existing density, proximity to the nearest surface water feature and distance to the SAC and that construction can be in accordance with British Standards 6297.

We note that the Package Treatment Plant (PTP) has a phosphate stripping level of 630mg to ground (page 8), compared with the existing dwelling's discharge to ground (stated as 7500mg). We note and agree with the following statement on page 10 "The scheme adds additional mitigation measures in the form of a chemical dosing unit to strip out the levels of Phosphorus to (as quoted in certification) 0.3mg/l. There is uncertainty in the effectiveness of Phosphorus stripping technologies and ensuring their long-term functionality through appropriate maintenance."

Natural England evidence reports show that phosphorus, in its entirety, does get retained in the soil around well-constructed drainage fields, regardless if no phosphate stripping is installed and providing ground conditions are suitable for drainage field construction (installed and maintained in accordance with British Standards 6297). Having a phosphate stripping facility means that the reduced phosphorus entering the drainage field is an additional mitigation against increased density of systems. Given the ability of soils to retain phosphorus, it can be ascertained that there won't be transport of phosphorus to the river environment from increased phosphorus in the effluent if the phosphate stripping system should fail due to poor maintenance.

Taking the above into consideration we are satisfied that your Authority can conclude no adverse effect on site integrity, subject to the system implementing British Standards 6297; compliance with the approved drainage layout plan; and that the future relevant Environmental Permitting Regulations controls are in place.

MCC Urban Design/ Landscape Officer- The increase in garden to the frontage is welcomed and could provide an opportunity for a suitable landscape scheme based on the concept planting schedule 1416[BD]06 August 2019 and species selection to reduce the impact of the proposed development (dwellings and garage to plot 2) on the village form and character as seen from Wainfield Lane.

Plan 1416[BD]01D indicates the retention of trees to the northern boundary which is welcomed. The retention of boundary hedges are also welcomed. Further tree and planting to eastern, southern and western boundaries to reduce the impact of the northerly property plot 1 ridgeline would be welcomed as viewed from the approach to the village via Wainfield Lane and as viewed from Bank Road and Llancayo Road (this has now been added to the proposal).

MCC Highways - No objection to access and parking arrangement. Concern of adverse impact on highway safety should this application set a precedent for further plot divisions. Recommend condition requiring the provision of the new access prior to development commencing and a Construction Traffic Management Plan.

Response to re-consultation: The highway authority following receipt of a re-consultation request dated 14/01/2022 proposes no change to the previous response other than to note that no reference or notes to applicants were provided with the original decision notice regarding the alterations to the driveway access. The highway authority therefore request that the applicant is advised of the highway authority's requirements pursuant to section 184 of the Highways Act as detailed in the footnote and the footnote is provided as an informative to any subsequent planning decision notice:

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

MCC SAB - 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.

Response to re-consultation: We have received a valid SAB application for the site and have approved the surface water system. The system will manage the surface water on the site without increasing flood risk to others according to submitted information. We therefore have no further comments on the surface water drainage of the site.

MCC Environmental Health - I have reviewed the current information available with this application.

I note that a private foul / waste water treatment system is proposed for this development. Providing the foul / waste water treatment system meets current Building Regulations / Standards, I do not anticipate an unacceptable risk / harm from noise, odour etc to nearby residents. I therefore have no objection.

Building Control Officers (Information taken from JR Witness Statement) – No objections to the proposals Building Regulations BS 6297:1983 require the treatment plant to be 7m from the house not 10m, the package treatment plant to be at least 7m from the building and the treatment plant drainage field to be at least 10m from the building. This has been achieved and is shown on the latest plans and therefore there are no objections to the proposals.

NATS Safeguarding - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Nine representations received. Object on the following grounds:

- The proposal extends the furthestmost line of building beyond the bungalow to be demolished and as such does not constitute true infill.
- The two dwellings together are too big for the plot, too close together and out of character with other properties in the lane.

- The development would add additional traffic on the lane which has no passing places at the bottom end and an access on to the main road which is potentially dangerous.
- Any foul drainage system for the proposed housing development would need to cope with the impact of the full potential occupancy of the 2 x 4 bed roomed houses - which given the number and size of the bedrooms would be at least 16 persons (i.e. 8 persons per property) - and not just the average sized families that would in reality probably reside there. Therefore, it would be interesting to know the applicant's plans for foul drainage given the very limited space that is available on the plot to install the necessary plant and soakaways etc., and, given the well documented history of drainage issues in the area.
- It is disappointing to note that despite meeting with MCC Planning on two occasions the Agent/Applicant has once again submitted an application that is contrary to Supplementary Planning Policies H3 and H5 regarding infill and replacement dwellings respectively.
- The scale and massing of the application is in line with a housing estate not a country village.
- It is not 'in-fill'. The two proposed dwellings are not in the 'building line' and do not 'in-fill' between any properties, therefore in conflict with Policy H3 of the Supplementary Planning Guidance.
- It is not a replacement dwelling. The proposed two properties are not on the original bungalow footprint so therefore in breach of Policy H5 of the Supplementary Planning Guidance. The proposal is clearly overdevelopment.
- There are no other three storey properties on the lane. This would set a new precedent for further development.
- The drawings are misleading. No adjacent properties are shown on the drawings. There is no demonstration of how the proposal relates to existing properties, especially in terms of building line and the proposed heights. Please note, in other recent planning applications along Wainfield Lane, 'Ty Cwtch' has been stated as NOT setting a planning precedent for ridge height in planning applications by MCC. These recent applications also have permitted development with restrictions on ridge heights and increased distances from adjacent boundaries to minimise the visual impact. (Street elevations now submitted with the application).
- Pipistrelle bats are roosting at the property. The removal of hedgerow, as proposed in the creation of the new driveway would damage the bats 'route to roost', limiting food source and causing them disorientation for their established routes to feed and roost. This has not been looked at or taken into consideration.
- The positioning of the proposed new driveway, the third one for the 'Homestead' plot in less than three years. Usually in a village, driveways are staggered. The relationship to other drives is not shown on the drawings, but it looks as though the new proposal would be directly opposite Meadowside's drive.
- The planning precedent this application would set. Allowing this proposal would allow neighbouring garden/land owners to build similar schemes which would cause significant harm to the identity of our small country village. The plans submitted are still not to scale and are therefore misleading.
- The revised plans still do not address my major concerns and objections. I had hoped that any new application submitted would have been for one home and not a two house development. Sadly this second attempt to once again gain planning permission for two houses being constructed on this small plot is still overcrowding of the site and is clearly for profit without consideration for the local plan or aesthetics of the area.
- The development is 270% bigger than the existing bungalow, and would

dominate the horizon being at the highest point of Wainfield Lane, which again is not in keeping with the local plan.

- Believe the development will impact Meadowside both on loss of privacy and local amenity.
- Both dwelling houses are considerably higher and each has three storeys, whereas the existing property is a bungalow.
- The proposed dwellings are located close to the highest point on Wainfield Lane (and at what is in fact the highest developed part of the east side of the lane, which is higher than the west side) and as such would have a significant negative visual impact from the lane and the surrounding countryside.
- Contrary to LDP Policy H6 relating to replacement dwellings in the open countryside.

Responses to re-consultation: Nine representations received. Object on the following grounds:

- Reiterate previous objections.
- The proposal for an additional dwelling at Homestead is contrary to LDP Policy H3 as it does not constitute infill resulting from the filling in of a small gap between existing dwellings.
- The proposal for 2 x two and a half storey height dwellings on the highest and most widely visible ground on Wainfield Lane will have an unacceptable impact on village form, character and the LANDMAP designated High Value landscape and thereby conflict with Policy H3 and Policy LC5.
- The Homestead proposal represents an extension of Gwehelog, and by removing the restriction for new houses to be infill only will set the precedent for significantly more housing development; this would be contrary to Policy MV1 which will not permit development that is likely to create significant and unacceptable additional traffic growth in relation to the capacity of the existing road network of Wainfield Lane and its vicinity.
- The foul drainage proposals for Plots 1 and 2 both demonstrably fail to comply with Building Regulations and Approved Document H2, especially paragraph 1.27, for which reason the proposals cannot be said to safeguard the locality's environment, amenity and public health in contravention of Circular 008/2018 and Policy EP5.

In order to be able to accommodate the foul drainage bed for plot 2 within that plot the boundary between the plots has been changed such that plot 1 is disproportionately smaller than plot 2 and generally at odds with other 5 bedroom properties in the area. The shifting of the boundaries between the two dwellings has been done with little regard for amenity and is primarily driven by the desire to shoehorn two large 5 bedroom properties onto a plot that is too small for that purpose.

- A significant part of the foul drainage field for plot 1 appears to be located where the existing drive is presently located. That means, when complete, that portion of that drainage field will be in made-up or disturbed ground. This must surely have an influence on how that portion of the drainage bed will perform. Also, a percolation test cannot possibly have been conducted in ground representative of that portion of that drainage bed.
- None of the plans submitted take account of the storm water discharged from outbuildings in the back and front gardens.
- The new front garden outbuilding appears to require planning permission as it is located forward of the principal elevation of the existing and proposed properties. It is not included as part of this application.
- The present owner appears to be conducting a business from the premises which requires clients to visit the site for a period of time. There does not appear to be provision for parking for business visitors. Also, no assessment has been made of the impact of business visitors on foul water

discharge quantities.

- The proposal would be the third driveway the property has had. That's loss of hedgerow twice.
- The positioning of the proposed driveway although not shown, looks to be directly opposite the Meadowside driveway.
- Along Wainfield Lane the drives are generally staggered, so not in keeping. Having two driveways meeting could be hazardous, compromising the safety and ease of traffic movements for surrounding residents in contravention of Policy MV1.
- As Homestead is topographically much higher, the creation of the proposed driveway would enable users of the proposed driveway to have direct vision into the front bedrooms of Meadowside.
- The proposed driveway provision is inadequate to service two houses. It does not give the houses three spaces each, nor does it allow for adequate turning circles. Plot 1 provides 2 spaces and an integral garage for parking. Plot 2 provides two parking spaces and a double garage.
- The proposed private drive entrance does not appear to ensure sufficient visibility splays and sufficient surface water drainage control with the potential to discharge onto Wainfield Lane, which fails to drain correctly at peak rainfall.
- The foul drainage proposal is unchanged from the Judicial Review which was quashed as a result of the drainage not being able to comply with: (a) Building Regulations (b) Approved Document H2 (c) Circular 008/2018 (d) Policy EP5 (e) Plot 1 Treatment plant percolation ability considering the drainage field proposed invert is similar to the driveway formation could lead to drainage water percolating into the driveway and surface water SUDS system.
- Reconsultation not as thorough as it should have been. No site new site notice posted.
- Whilst there is no doubt that a lot of consideration has been given to the design of a sustainable drainage system, we remain concerned as to how effective and efficient the latest proposals will actually be. We trust that the full requirements of both the Planning and Building Regulations aspects of this important area will be carefully re-examined during this second consultation process.
- Please note, if the new planning consultation were to be for one family house, in keeping in scale and mass with our small rural village we would welcome the application.
- I understood that this application was required to be quashed following judicial review. Why is this application, therefore still ongoing?
- The planning history of the site is so complex, that the re-application, needs to be examined in detail by the planning committee.
- Suggest 5 reasons for refusal:
 - 1) The proposal for an additional dwelling at Homestead is contrary to LDP Policy H3 as it does not constitute infill resulting from the filling in of a small gap between existing dwellings; if approved the proposal will set an unwarranted precedent for further extensions of Minor Villages such as Gwehelog.
 - 2) The proposal for two two and a half storey height dwellings on the highest and most widely visible ground on Wainfield Lane will have an unacceptable impact on village form, character and the LANDMAP designated High Value landscape and thereby conflict with Policy H3 and Policy LC5.
 - 3) The Homestead proposal represents an extension of Gwehelog, and by removing the restriction for new houses to be infill only will set the precedent for significantly more housing development; this would be contrary to Policy MV1 which will not permit development that is likely to create significant and unacceptable additional traffic growth in relation

to the capacity of the existing road network of Wainfield Lane and its vicinity.

- 4) The foul drainage proposals for Plots 1 and 2 both demonstrably fail to comply with Building Regulations and Approved Document H2, especially paragraph 1.27, for which reason the proposals cannot be said to safeguard the locality's environment, amenity and public health in contravention of Circular 008/2018 and Policy EP5.
- 5) The proposed driveway is too narrow, does not have a 2 arm turning head so that vehicles will be unable to enter and leave in forward gear, has no visibility splay, and by adding another house to the substandard Homestead access arrangements will compromise the safety and ease of traffic movements for surrounding residents and Wainfield Lane in general in contravention of Policy MV1 which requires the provision of a safe and easy access for road users. Plot 1 only provides 2 parking spaces in contravention of the minimum standards in the Parking Standards and Domestic Garages SPG.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

The proposed development for the demolition of the existing bungalow Homestead and the construction of two dwellings at the site was previously recommended for approval by planning officers and subsequently approved by the Planning Committee on 21st February 2021. As outlined above this decision was subject to a judicial review based on the foul drainage proposals for the site and the decision was consequently quashed. Given this decision the application has now been fully reconsidered by planning officers and following consultation and a forensic review of planning policy it is considered that officers are unable to make the same recommendation given that there is conflict with Policy H3 of the Local Development Plan (LDP).

Gwehelog is classed as a minor village suitable for infill residential development under Policy H3 of the LDP. This policy 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, or residential redevelopment, or conversion to residential or sub-division of large dwellings, subject to detailed planning considerations, including no unacceptable adverse impact on village form and character and surrounding landscape, and other policies of the LDP that seek to protect existing retail, employment and community uses.

Policy H3 of the LDP only allows for the infilling of a small gap between existing dwellings. The proposed development does not fill a small gap between existing dwellings and represents a redevelopment of this existing residential site. Minor villages do not have development boundaries and when considering development proposals within these villages detailed consideration has to be given to the 'physical boundaries' of minor villages. Paragraph 2.3 of Monmouthshire's Infill Supplementary Planning Guidance (SPG) outlines that when defining the settlement, we would look at existing physical features such as field boundaries, roads, trees, rivers, and railway lines, generally the edge closest to village. Homestead and the associated residential curtilage is considered by officers to be the last property on the eastern side of Wainfield Lane to be within the physical boundary of the village of Gwehelog as defined by the physical features at the site.

residential redevelopment is not defined within the LDP or the associated SPG for Policy H3. An argument could be made that it is appropriate to make efficient use of this previously developed land (as defined in PPW ed. 11) which already has residential use for minor residential development subject to the development not having a harmful impact on the character and appearance of the village of Gwehelog or the wider landscape. However, whilst officers are of the view that the proposed development would not have an unacceptable impact on the character and appearance of the village or the wider landscape, the proposal does not represent minor infill development in accordance with Policy H3. The site is not a small gap between existing dwellings and therefore it does not represent 'infill development'. There is ambiguity with regards to the meaning of residential redevelopment' within Policy H3 and there is no specific definition of this term within the policy or associated SPG.

Being aware of the concerns that have been raised from local residents regarding compliance with Policy H3 it would be for the Planning Committee to make a balanced judgement on whether the development is in accordance with the requirements of the policy. However, given a forensic review of the planning policy position, officers are recommending to Members that the development proposal does not represent infill development and therefore it is not in accordance with Policy H3 of the LDP and the application should therefore be refused.

In relation to affordable housing provision, it is a basic principle of LDP Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. As this site falls below the threshold at which affordable housing is required on site, the calculation of the financial contribution that will be required if planning consent was to be granted at this site would be £8,491 which will be secured by a Section 106 legal agreement.

6.1.2 Good Design/ Place making

The existing bungalow is relatively modern and is not a traditional dwelling that is intrinsic to the landscape character of the area. As such its demolition will not harm the appearance of the area.

The proposed replacement dwellings will be traditional houses with natural or man-made riven edged slate roofs, fine texture render and natural cedar/larch clad walls and aluminium or uPVC windows with traditional glazing bar arrangements. There is a mix of house types on Wainfield Lane with post war detached houses and bungalows and more modern infills. The proposed new houses are considered to be in keeping with the vernacular of the area and the other dwellings within the vicinity of the site.

The proposed layout will see a single central access point leading to a detached garage to the front of Plot 2 and then onto Plot 1. The shape of the plot differs from others along the lane as the boundary is straight along the southern edge but is more like a dog-leg to the north which allows more area to accommodate the two buildings. The two dwellings will follow the building line established by the neighbouring dwelling Ty Cwtch. Street elevations submitted with the application show that the ridge height of the proposed new dwellings will be similar to Ty Cwtch with Plot 2 which is immediately adjacent having the same ridge height and Plot 1 slightly higher. The properties have accommodation in the roof space in the form of a bedroom but are not overtly three storey.

On balance, it is considered that the proposed layout will not appear at odds with the general ribbon pattern of development in the area. The staggered building line would not be adverse to the character and appearance of the village given that there is no uniform building form and although buildings are fixed along Wainfield lane the

buildings vary in their siting and location. The development will not adversely affect the street scene or character and appearance of the wider area. The proposed development is therefore considered to accord with LDP Policy DES1.

6.1.3 Impact on Amenity/ Promoting Healthier Places

There are likely to be views southeast from Plot 2 towards the rear garden area of the property of Ty Cwtch however these views will be limited to a 45 degree angle. There will be no windows on the side elevation of Plot 2 facing this neighbour. A substantial laurel hedge within the Ty Cwtch garden together with the concrete block boundary wall would screen all views from the ground floor of this neighbouring property and vice versa.

Distances between the existing dwelling on the other side of Wainfield Lane and the proposed new dwellings are well over 21 metres and views between will be distant only. The proposed dwellings are set back from the front boundary at distance of over 22m (72ft). As such there will be no loss of privacy for existing neighbours or future occupiers of the proposed development.

On the basis of the above, it is considered that the proposed new dwellings will not adversely affect local residential amenity and meet the requirements of LDP Policies DES1 and EP1.

6.2 **Active and Social Places**

6.2.1 Access / Highway Safety

With regard to highway safety it should be noted that there is only a net increase of one dwelling and it is considered by the Highway Authority that traffic flow on Wainfield Lane will not be adversely affected and would, in isolation, not be sufficient reason to sustain a highway objection. However, Highways are concerned that should further plot divisions be allowed as a result of this application then there could be the potential to cause strain on the public highway in terms of traffic flow etc., along the single lane Wainfield Lane. Any additional proposals for sub-division will be the subject of a planning application which can be assessed on its own merits having regard to the cumulative impact of additional traffic.

Parking spaces are provided on the site and this arrangement would avoid cars parking in Wainfield Lane. A turning area is also provided within the site meaning that cars can enter and leave in a forward direction. As such the proposed development meets the requirements of the MCC Parking Standards.

The relocated position of the proposed access provides greater separation between the proposed dwelling on Plot 1 and the boundary with Ty Cwtch and also provides improved visibility. Thus it is considered that the proposed development will not harm highway safety in accordance with LDP Policy MV1.

6.3 **Productive and Enterprising Places**

6.3.1 Landscape/ Visual Impact

The village form along Wainfield Lane from the junction of the Monmouth Road to the crossroads junction with Bank Road is in general a ribbon settlement consisting of predominantly individual houses of mixed size, architectural form and age set within their own grounds and driveways leading onto a tree and hedge-lined Wainfield lane.

The settlement of Gwehelog is quite dispersed overall, set within the context of the historic landscape of Gwehelog and Trostreay commons as defined by LANDMAP and in the visual and sensory landscape setting of Gwehelog characterised by

wooded hillside and scarp slopes. Both evaluated through LANDMAP as being of High value.

The existing mature boundary hedge screens the view of the new dwellings from the road and all existing boundary hedges and trees are to be retained including the translocation of the hedge to infill the existing site access. Additional planting using native species is also proposed and its implementation and maintenance can be ensured by planning condition.

The frontage of the site along the lane is 34.5m wide and the plot measures over 52m deep front to back. The site area is just under a third of an acre (1,270 sq. m) which is considered to be adequate to accommodate two dwellings and still provide on-site parking, turning areas and large gardens and soft landscaped space. The landscape proposals also seek to contain the two buildings within hedgerow perimeters to emulate the landscape character along Wainfield Lane.

The size and shape of the site allows for an enhanced lane frontage, appropriate to the village form. The site is considered to be of sufficient width to accommodate the development without causing a significant visual impact and no physical impact to the existing vegetation or site context. The proposed development would not have an adverse impact on the character and appearance the Landscape in accordance with Policy LC5 of the LDP.

6.3.2 Biodiversity

Daytime inspection survey (internal and external), with two dusk emergence/activity observations were conducted on the bungalow in August and September 2018. Internal inspection found no live bats, or evidence of bats, but external survey found evidence with fresh bat droppings noted on the exterior wall at the south-eastern end of the bungalow. During the summer observations, a consistently low number of common pipistrelle bats were seen to emerge from the bungalow with the same pattern of behaviour during the two surveys: a single bat emerged at the north-west gable apex area and four bats at south-east gable, low, towards the front (west) slope. Only common pipistrelle bats emerged and no other species was recorded in the observation zone during survey.

When the nature conservation significance of the site is considered against recognised criteria, the nature conservation status of the site is assessed to be medium, due to the presence of what is likely to be a small maternity roost for a low number of common pipistrelle bats. The scale of the impact of the development will affect current roost locations, with a low risk of detrimental impacts to the conservation status at a local level, on the basis that the colony at this site is a small number of protected bats and the development would not harm the widespread species. There is no threat to the conservation status of the species given that the impact of the development would be slight or insignificant in relation to the local bat species population.

As bats are fully protected in British legislation, as well as their places of rest, for the development to proceed, the owner will, in addition to planning consent, need to obtain a European Protected Species licence from Natural Resources Wales prior to commencing any works for demolition of the bungalow, because such works will affect the current bat roost. A scheme of mitigation is proposed and can be conditioned so that the site continues to provide roost opportunities for the protected species currently present.

In consideration of this application, Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) 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 have been considered in consultation with NRW and the Council Biodiversity and Ecology Officers as follows:

(i) *The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.*

The replacement of the existing bungalow will provide additional housing for the local area as well as a financial contribution toward affordable housing. The development would add considerably to the economic value of the land given it would result in a net gain of one residential unit. This would give rise, albeit indirectly, to some local social and economic benefit.

(ii) *There is no satisfactory alternative*

The 'do nothing' scenario has been considered and rejected as it leaves the applicant with an unsuitable property, the condition of which could steadily worsen. This approach would eventually give rise to dereliction, with loss of bat roosting habitats. The application is necessarily site specific.

(iii) *The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

Based on the bat report submitted with the application, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. This is provided the report is included in the 'approved list of plans / documents' condition within the decision notice and it is proposed that the following condition is also added to any subsequent planning consent

Condition: The development shall be carried out in strict accordance with the approved "Homestead, Wainfield Lane, Gwehelog, Usk NP15 1RG - An Ecological Survey Report By Just Mammals dated November 2018" and as illustrated on "Proposed Floor Plans and Elevations – Plot 2 Dwg no. 1416(BD)03B dated April 2019 revised 2/01/20" and "Site Plan As Proposed – Dwg no. 1416(BD)01D dated April 2019 revised 2/01/20"

Reason: To ensure adequate safeguarding of species of principle importance for conservation and to ensure compliance with LDP policy NE1

6.3.3 Surface Water

The proposed development must comply with Welsh Government Legislation regarding sustainable drainage which strictly controls surface water run-off. To achieve compliance with Sustainable Drainage legislation the new dwellings will have rainwater harvesting systems to collect and store rainwater and make use of it to flush toilets and supply washing machines, as well as water gardens. There will be little if any water discharging to the ground and to soakaway. The driveway will be of a permeable surface to avoid run-off. The development will not be allowed to commence unless it can be demonstrated that the proposed drainage meets the requirements of the SuDS legislation. The surface water drainage has full SAB approval, which has been confirmed by the Council's Senior Drainage Officer.

6.3.4 Foul drainage – Background information in relation to the judicial review, foul drainage amenity and phosphates

6.3.4.1 Background information relating to the judicial review

This application was approved by Planning Committee on 2nd February 2021. The consent was for the demolition of an existing bungalow with outbuildings and the erection of two detached dwellings. The decision was subsequently subject to a judicial review by a local resident, the single ground of challenge to the grant of the permission being that part of the officer's report was substantially misleading in relation to foul drainage, in that there is guidance within approved document H2 that suggests that drainage fields should be at least 15 metres from a building. If that had been applied in this case, the effect would be that each of the proposed drainage fields would be required to be some 5 metres further away from Ty Cwtch and from the proposed buildings.

The relevant regulations referred to in the Circular (008/2018) include the Building Regulations 2010 (the 2010 Regulations), made under ministerial powers conferred by the Building Act 1984. The building regulations (2010) set out the minimum standards that need to be complied with. The Approved documents issued by the Welsh Government and the British Standards provide guidance to assist with meeting the standards set out within the building regulations (2010).

The requirements as to the siting of waste water treatment plants are set out in section H2 of the Building Regulations. So far as relevant, any waste water treatment system must be so sited that it is not prejudicial to the health of any person and will not contaminate any watercourse underground water or water supply. There are no minimum distances set out in this legislation. However, the Welsh Government has adopted a series of documents to provide guidance as to the requirements set out above. The current version dealing with foul drainage is dated 2002 but incorporates amendments made in 2010 (the Approved Document). Paragraph H2 1.27 deals with siting of drainage fields serving treatment plants and states that:

“A drainage field or mound serving a wastewater treatment plant or septic tank should be located: (a) at least 10m from any watercourse or permeable drain; (b) at least 50m from the point of abstraction of any groundwater supply and not in any Zone 1 groundwater protection zone; (c) at least 15m from any building; (d) sufficiently far from any other drainage fields, drainage mounds or soakaways so that the overall soakage capacity of the ground is not exceeded.”

Approved document H2 Paragraph 1.72 also refers to an alternative approach to meet building regulations requirements that being the British Standards (BS). Paragraph 1.72 states that

“The requirement can also be met by following the relevant recommendations of BS 6297:1983 Code of practice for design and installation of small sewage treatment works and cesspools. The relevant clauses are in Section 1, Section 2, Section 3 (Clauses 6–11), Section 4 and Appendices.”

These are standards developed and published by the British Standards Institute, which is recognised by the UK Government as the national standards body. In respect of habitable buildings, the guideline is: “Position as far as practicable considering prevailing wind direction: Recommended minimum: 7 metres.”

The Judge found that it was accurate for the previous Committee report to say that building control inspectors considered that the drainage proposals met the requirement of the Building Regulations as the drainage fields were required to be at least 10 metres from a building. Furthermore, that the authority's building control officers were not obliged to have regard to Approved Document H2 and were entitled to assess compliance by reference to the British Standards.

However, the Judge found that although the report was accurate in the context of

building control, in his opinion, it does not follow that the same approach could or should be adopted by the planning committee as the Building Regulations Schedule H2 are concerned with whether the proposal is prejudicial to the health of any person but in the planning context, the focus is not just upon public health, but also upon amenity. Amenity is expressly referred to in paragraphs 1.2 and 2.7 of the Welsh Government Circular on drainage (008/2018) as a consideration.

The Judge concluded the following:

“Reading the officer’s report as a whole, which incorporated a previous report, the concerns in relation to foul drainage from objectors and the local community council are noted and these include references to the history of drainage issues in the area and to the site being predominantly on clay. In dealing with amenity, the report deals only with visual amenity and privacy. In my judgment, by not referring to the Circular or the Approved Document H2, the members, even as informed readers, are likely to have been left with the impression that as the building control officers were satisfied that the drainage proposals satisfied the requirements of the 2010 Regulations, that was the end of the matter in respect of such proposals. In the planning context, in my judgment, it was not. To leave it there without fully dealing with the adequacy of the drainage proposals in that context was in my judgment significantly misleading”.

The previous decision was quashed given that the information presented to the planning committee was misleading. The impact of the foul drainage proposals and the impact on amenity are outlined below.

6.3.4.2 Amenity

Welsh Government Circular on drainage 008/2018 provides advice on the exercise of planning controls on non-mains sewerage and associated sewage disposal aspects of new development in order to avoid public health, amenity or environmental, problems. The circular outlines that planning authorities should aim to satisfy themselves that the sewerage proposals for a development are suitable, and public health, amenity and environmental problems are unlikely to arise. In doing so they should take into account

- a) any information submitted by the developer
- b) comments provided by Natural Resources Wales; and
- c) other relevant information, including comments from their own professional advisors

The proposed private package treatment plant has been fully considered and it is recommended by officers that the proposals are unlikely to have an unacceptable impact on health, amenity and/or environmental considerations as to warrant refusing the application. Environmental Health Officers have concluded that providing the foul / wastewater treatment system meets current Building Regulations / Standards, that they do not anticipate an unacceptable risk / harm from noise, odour etc., to nearby residents as the treatment system would be built to modern drainage standards and to a standard that exceeds the existing arrangement of a septic tank. The proposed foul drainage would be subject to a separate building regulations application, however the Council’s Building Control Officers have outlined that there is no clear reason to outline at this stage why building regulations could not be achieved for foul drainage at the site. The proposed private treatment system would be built to modern standards and would not lead to a risk to public health or cause a nuisance to neighboring parties or the future occupants given it would be built to meet current building regulations standards. Given that the drainage would be constructed in accordance with the building regulations requirements it would not result in harm to the use of the residential curtilages of the proposed dwellings or neighbouring properties and would not pose a risk to public health. The installation of a private treatment system at the site would not harm the amenity of any party. Natural Resources Wales have reviewed the risks

posed to the water environment and have outlined that it has been demonstrated that the ground conditions are appropriate, and that the environmental regulator has no further concerns. NRW have stated that the applicant will require an environmental permit or exemption for the system.

Given there are no objections or concerns from environmental health colleagues, building control colleagues and/or NRW to the proposed drainage solution there is no reason to conclude that a suitable drainage solution cannot be implemented at the site and therefore in accordance with the requirements of the Planning Circular 008/2018 officers are satisfied that it is unlikely that the proposed development would harm the environment or public amenity or health, so the proposals would be acceptable.

The previous decision of planning committee on the 2nd February 2021 was quashed, the judge concluding that committee was misled and the officers report had not adequately considered the implication of foul drainage on the amenity of the neighbouring parties. The objecting partly refers to the development not being in accordance with Approved Document H2 given the proposed drainage field is not 15m from any building, however as outlined in section 1 of this report, paragraph 1.72 of approved document H outlines that the requirement can also be met by BS 6297:1983 which outlines that the treatment plant can be 7m from the house and the drainage field can be at least 10m from the building. For the reasons outlined above it is considered that the proposed foul drainage proposal is acceptable, and it is unlikely that it would harm the environment or public amenity or the health of the occupiers of the proposed dwellings or the neighbouring properties.

It is worth noting that within the judgement (para 20) the judge outlines that the 1983 BS referred to provided that sewage treatment works should be as far away from habitable buildings as economically practicable. That edition was replaced in 2007, which in turn was replaced in 2008 (BS 6297 2007: A+1 2008), which is now the current standard. However the reference in the Approved Document (H2), although amended after the 2007 and 2008 BS came into force, continued to refer to the 1983 BS.

The professional consultees are satisfied on technical implementation grounds and have advised that the potential risk of harm to neighbour amenity is not significant. In accordance with the guidance within Planning Circular 008/2018 planning officers are satisfied that there is no overriding reason why the proposed development should be recommended for refusal given the principle of the proposed foul drainage proposals is considered to be acceptable and technical advisors have no objection to the development. If the foul drainage could not achieve building regulations requirements or achieve the required environmental permit, then the development would not be able to be carried out.

6.3.4.3 Phosphates

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.

Where increases in phosphate inputs in the SAC cannot be ruled out as a result of the development then the competent authority (the LPA) must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation

objectives. NRW have reviewed the HRA Screening Matrix and Appropriate Assessment (AA), prepared by the Local Planning Authority's Biodiversity and Ecology Officer dated 14/10/2021. The AA correctly identifies a potential in combination effect from the proposal irrespective of the density of discharges currently in the area. The density criteria are in place to consider whether the close proximity of multiple drainage fields (existing and proposed) might compromise performance and risk creating a pathway for effluent to enter the protected site (River Usk Special Area of Conservation (SAC)). The AA has also considered factors such as existing density, proximity to the nearest surface water feature and distance to the SAC and that construction can be in accordance with British Standards 6297. It is noted that the Package Treatment Plant (PTP) has a phosphate stripping level of 630mg to ground, compared with the existing dwelling's discharge to ground stated as 7500mg. NRW agree with the statement on page 10 of the AA: "The scheme adds additional mitigation measures in the form of a chemical dosing unit to strip out the levels of Phosphorus to (as quoted in certification) 0.3mg/l. There is uncertainty in the effectiveness of Phosphorus stripping technologies and ensuring their long-term functionality through appropriate maintenance."

Natural England evidence reports show that phosphorus, in its entirety, does get retained in the soil around well-constructed drainage fields, regardless if no phosphate stripping is installed and providing ground conditions are suitable for a drainage field (i.e. installed and maintained in accordance with British Standards 6297). Having a phosphate stripping facility means that the reduced phosphorus entering the drainage field is an additional mitigation against increased density of systems. Given the ability of soils to retain phosphorus, NRW have advised that it can be ascertained that there will not be transport of phosphorus to the river environment from increased phosphorus in the effluent if the phosphate stripping system should fail due to poor maintenance.

Taking the above into consideration, NRW as Statutory Advisors to the LPA on such matters, are satisfied that it can be concluded that there will be no adverse effect on the integrity of the River Usk SAC subject to the system implementing British Standards 6297; compliance with the approved drainage layout plan; and that the future relevant Environmental Permitting Regulations controls.

6.4 Response to the Representations of Third Parties and the Community Council

6.4.1 The Judicial Review judgement held that it was accurate of the previous Committee report to say that building control inspectors considered that the drainage proposals met the requirement of Building Regulations (BS 6297:1983). Furthermore, it was held that the authority's building control officers were not obliged to have regard to Approved Document H2 and were entitled to assess compliance by reference to the British Standards. The proposed drainage will not have any adverse impact on public health. In terms of amenity the council's Environmental Health Officer has reviewed the current information available with this application. It is noted that providing the foul / waste water treatment system meets current Building Regulations requirements it is not anticipate that there would be an unacceptable risk / harm from noise, odour etc to nearby residents and raise no objection. As outlined in section 6.3.4 the proposals are considered to comply with the requirements of Planning Circular 008/2018 and officers are satisfied given input from technical advisors that an acceptable drainage proposals can be implemented at the site that would not have a harm on the amenity of the occupiers of the property or the neighbouring party. The development proposals will have to meet other legal requirements such as building regulations and environmental permits.

6.4.2 Both proposed plots have both front gardens and rear private garden that are sufficiently large to allow future residents to be able to use these areas for various domestic enjoyment purposes such as hanging out washing, children's play equipment, eating outdoors etc. The resultant residential curtilage areas do not harm the character and appearance of the village. Existing hedgerows along Wainfield Lane are to be retained where possible and added elsewhere resulting in a single new

access point with hedge either side. There will also be additional hedge and tree planting along other site boundaries.

- 6.4.3 The impact on Highway safety has been considered by the Council's Highway Engineer and found to be acceptable. As such it is considered that the arrangement meets the requirements of LDP Policy MV1. There is a turning area off the shared part of the driveway which itself also acts as a turning area for Plot 2. Provided that a condition is attached to any consent to ensure that the garages are retained for parking of a vehicle, then each property will have 3 parking spaces which meets the Monmouthshire Parking Guidelines and is acceptable to the Highway Authority. The visibility provided is considered to be acceptable by the Council's Highway Engineer. In terms of potential discharges onto Wainfield Lane, this will be dealt with by the requirement for the developer to apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.
- 6.4.4 There is a distance of approximately 30m between the rising driveway of the application site and Meadowside. This distance is considered to be large enough to avoid any direct overlooking that would result in a loss of privacy to the occupiers of that property
- 6.4.5 With regards to surface water considerations the scheme benefits from SAB approval and has been duly considered by the SAB.
- 6.4.6 Comments regarding new outbuildings and business use at the site are not part of this planning application and will be reviewed and considered separately by the LPA.

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

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

7.0 RECOMMENDATION: REFUSE

Reason for refusal

- 1. The construction of two dwellings at this site does not constitute infill development as it is not a small gap between existing dwellings and therefore the development would be contrary to Policy H3 of the Monmouthshire Local Development Plan.**

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: Kate Young Date

Valid: 15.10.2020

1.0 BACKGROUND

This application was deferred from Committee held on 1 March 2022 to allow officers to negotiate with the applicant with a view to identifying the number of parking spaces available and where they will be located on the site. The application would then be re-presented to a future Planning Committee meeting for consideration.

A further representation from a local objector was received after the last meeting which sets out the following three points:

“1. From the Meeting it was not made clear whether the square meterage used in the calculation, to determine the number of car parking spaces required, has been physically and independently verified. The planning officer verbally confirmed to me that no one from the Council had been out to check on the square meterage used in this calculation or to count the spaces, relying instead on the applicant's figures which cannot be relied upon. Committee Members have since been out to the site to count the number of spaces but was the square meterage measured? This would involve an internal visit of the whole premises.

Again, we would ask that ALL public areas, present and potential, be taken into account – does it include the old function room, now called The Snug, all the bedrooms upstairs (refurbished and yet to be refurbished), the outdoor pizza area, semi-permanent marquee, coffee and gift shop and the gardens which are used extensively – the site is so much more than the pub area? During the summer there were a number of tables (approx. 10) and benches (approx. 4) in the grounds which at 4 per table could seat another 56 customers – this does not include the seating provided beneath the marquee or any customers seated on the grass as shown in the photos. In our minds these all should be taken into account when the required parking space calculation is done.

Future expansion is highly likely and promises not to hold weddings or further expand are worthless. It was never made transparent in the application that the above new areas were going to be added yet must have been in mind at the time.

We agree with Cllr Murphy's observation that any business would be loathe to remove the benches from in front of the pub as they do attract the eye. Wrought iron tables were in place here before Covid restrictions came into force, so were not just a Covid measure. If the applicant was told to remove the tables, who would ensure that they were not replaced at a later date? These gardens are used extensively by guests, and for functions and events, and we can envisage the business would be reluctant to cut into this valuable green space.

2. You commented as Development Control Officer that the rear car park could be closed by the owners at any time and they need not keep it available – it was mentioned in the Meeting that this car park was put in place as a condition of the 14 chalets being built in previous years to ensure sufficient parking was available. Why doesn't this condition still stand?

We refer you to the attached planning decision M11348 (DC/2005/00234). According to parking standards at the time 47 parking spaces were required (excluding the 6 rooms applied for). Parking was deemed adequate as it included the rear car park. Now can it be feasible that a larger business with more staff and a higher footfall now needs 13 parking spaces less?

3. We don't feel enough was discussed about the safety and congestion impacts of losing the 12 spaces in the rear car park on the surrounding roads. Planning policy states that existing and possible future congestion in streets adjacent to any proposal needs to be taken into consideration in any development. This was only looked at from one point of view, that of a single dwelling. It should also include the effects of losing the 12 spaces. The area is busy most weekends not just high days and holidays as you said."

There has also been correspondence that provides:

"A decision on this application was deferred to clarify parking provision on the site. This should look at not only the parking provision provided but also the parking provision needed.

Parking Standards are designed to provide a transparent and consistent approach to the provision of parking. To ensure parking standards are correctly applied to this business a site visit is needed by both planning and highways.

This site was assessed for parking requirements in a previous planning application M/11348. The site was found to need 47 parking spaces. Since then the business has been expanded and attracts more customers. This previous application also contains many photos of the car park, showing how important it has always been to the business. The document marked 'other' gives the dimensions of the two rooms which now make up the Wild Hare Pub. (Marked as Wild Hare bar and breakfast/lounge on submitted floor plan.) These rooms total 166 square meters. Both of these rooms are fully utilized as part of the pub, open to both residents and non-residents alike.

The rear car park is used every day and is often full, not just on 'high days and holidays'. Without this car park there is going to be a significant impact on the surrounding roads. From the car park usage the parking requirements for the business seem to be understated. Also, there has been no provision made for commercial vehicle spaces or motor cycle spaces.

Staff parking - The applicant's representative in his statement to the planning committee stated that The Wild Hare employs up to 40 people at busy times. With bar staff, waiting staff, kitchen staff, coffee house staff, housekeeping etc. providing only three parking spaces for staff does not seem to be sufficient.

Parking standards state

Hotels - 1 commercial vehicle space, 1 space per three non-resident staff and one space per bedroom.
17 bedrooms = 17 spaces.

There are 17 operational bedrooms advertised on the Wild Hare Facebook page, (27/01/2022) the 14 chalet rooms, the Wild Hare Suite with one en-suite bedroom on the first floor of the main building and The Shy Hare Suite located on the second floor of the main building. The two suites, The Wild Hare Suite and The Shy Hare Suite together with the en-suite bedroom (one of the Wonderful Bedrooms), located in the main building, are also advertised on the Wild Hare website.

The two rooms marked storage and the staff room on the floor plan have historically always been bedrooms. What safeguards will be put in place to ensure these will not be used as bedrooms once planning is granted?

Parking Standards

Public houses and Licensed Clubs - 1 commercial vehicle space - 1 space per 3 non-resident staff and 1 space per 3 metres of public area including servery.

166 square meters = 55 parking spaces

Cafe parking 4 spaces

Motorcycle parking 5% of spaces for car parking

It is clear, to meet parking standards, this business needs more than 34 parking spaces.

Although the applicant's assessment that the business needs 34 parking spaces is insufficient, even working from that figure once the parking space for The Shy Hare Suite, the commercial vehicle space and the two motorcycle spaces are added 38 spaces would be required. Meaning the front car park would be 8 spaces short.

If there is any proposal to remove the gardens to provide parking spaces, it will have an impact on the

setting of a Grade two listed building and will need to be referred back to heritage.”

The applicant’s agent has set out in correspondence the following:

- A scaled drawing indicating 34 fully complaint car parking spaces, of which two near the hotel entrance are disabled spaces
- Floor plans indicating the existing layout which features xx hotel rooms
- The fact that the applicants are also the proprietors of the hotel is not a relevant planning consideration, and indeed, the hotel comes under separate ownership, thus divorcing the association between the two sites
- There are no records to suggest that the premises has benefited from any change of use, meaning that its lawful planning use remains as a hotel. With this in mind, referring to the Council’s adopted parking standards, there is a requirement for one car parking space per bedroom, and one parking space for every three members of staff. With the hotel being home to 16 rooms, and employing nine staff, this equates to a requirement for 19 spaces. Whilst there was extended debate about the number of spaces that the Wild Hare calls upon within its curtilage, there is no question that this requirement of 19 spaces is easily exceeded
- Hotels invariably include bars for patrons, as well as seating areas for dining. Whether or not ‘walk-ins’ are allowed does not diminish the fact that this premises is a hotel with ancillary uses, rather than a pub or café. This means that any analysis against the car parking standards that relate to pubs and cafes is irrelevant
- Tintern is a desirable location for tourists and like other similar small villages and semi-rural locations, can experience issues with car parking availability during peak season. The applicant is not debating that this is a known local issue, but it is not the responsibility of the applicant to address this. It would be regrettable were this application not to be supported simply because of a far wider issue that this application appears to be being used as a scapegoat for
- Should all of the above not be sufficient to convince members, then there is the prospect of providing additional car parking by excavating the attractive verdant grounds of the hotel, and laying it with hard standing. The applicant is understandably reluctant to do this, because the setting of the Wild Hare benefits from this grassed area, which provides a pleasant sitting out area when the weather is dry, and indeed offers an attractive outlook all-year around. One would argue that the loss of green space to lay hardstanding would impact upon the setting of the conservation area, which the Heritage Team at the Council would no doubt concur with. Further, this would be a negative contribution to placemaking, which is a key principle of latest national planning policy.
- Given the level of parking that can be provided (34 spaces) any condition requiring more would be unreasonable and not meet the tests for a valid condition.

MCC Highways have provided revised observations:

No objection.

“Following deferral of the application at planning committee on the 1st of March 2022, the applicant has submitted additional information in support of the existing parking provision for the Wild Hare.

The highway authority acknowledge that the Wild Hare is not the subject of the planning application. The planning authority has re-consulted with the highway authority specifically to comment on the existing parking provision available at Wild Hare.

The applicant has submitted a parking plan that demonstrates that the existing car park footprint can provide for 34 car parking spaces.

The applicant’s agent states that the Wild Hare is a hotel that currently offers 16 bedrooms and employs nine staff, in accordance with the councils adopted parking standards.,19 car parking spaces and 1 operational commercial parking space is required. The existing car park is more than capable of accommodating the requisite car, operational, motorcycle and cycle parking provision for the hotel.

The highway authority acknowledge that the planning committee and local community has expressed concern regarding the levels of parking provision for the Wild Hare, in this regard the highway authority note that the Wild Hare also provides additional facilities such as a coffee shop and restaurant/public bar. The applicant has not submitted suitably scaled drawings to enable the highway authority to determine the actual floor areas for the additional facilities. Therefore, on the basis that staff parking has been accounted for then the balance of 16 spaces could provide customer parking for;

Public Houses/Licensed Clubs = 45m2
Restaurants = 105m2
Café = 218m2

The highway authority in considering the above notes the following

- Hotel guests share the additional facilities with non-residents, therefore reducing public capacity
- The hotel is located directly adjacent to the A466 that provides limited waiting parking provision on street and in the layby outside the Doctors Surgery
- The hotel is within 4 – 7 minutes' walk from the Wire Works and Abbey public car park
- North and South bound bus stops are located directly outside the public house on the A466 authority.

Therefore, with reference to the above the highway authority would be unable to sustain an objection to the application due to the existing level of parking associated with the existing hotel.

Following receipt of additional information, the Flood Consequence Assessment, the highway authority has no further comments or observations to make.”

2.0 CONCLUSION

2.1 The proposal for a single dwelling meets current parking standards for its own use (three spaces) and would not prejudice the ability of the adjoining hotel to serve its patrons and staff adequately and in accordance with current adopted parking standards by identifying 34 spaces for the primary hotel (and associated functions) use.

2.2 A local objector's reference to a previous application M11348 is noted but that featured a scheme for an additional number of guest bedrooms (six more) and the building also at the time had a function room and banqueting suite which are no longer in use. The current hotel floor plan shows these spaces as a breakfast room and lounge for hotel guests. There were also more staff employed at the time of the previous application than at present (16 compared to 9 staff on site *at one time*) which also reduces parking demand. Moreover, there is no condition requiring the land where the dwelling is proposed to be retained for parking for the hotel. This land could be sold off to a third party without any conflict in planning terms.

2.3 Based on the current, adopted parking standards (and even accepting there may be 17 rather than 16 guest bedrooms) the scheme is compliant, and the application is therefore again presented for approval. It is also worth noting that the hotel is a long-established facility, and some latitude needs to be provided for older businesses when applying the parking guidelines which were developed to assess new developments. An additional condition is recommended below:

11. Prior to the dwelling being brought in to use, the hotel car park shall be laid out in accordance with the approved car parking plan MED/ RS/ 20/ 22 Scale 1:200 and maintained thereafter in perpetuity.
Reason: to ensure the development does not give rise to on-street parking which could cause harm to local amenity and highway safety in accordance with LDP policies DES1 d) and MV1.

2.4 Should, however, Members consider the parking be insufficient, a reason for refusal is set out below:

Reason

1. The construction of the proposed dwelling would remove an area historically used for parking for customers and staff of the hotel and its associated functions. Its loss for that purpose would be likely to lead to increased on-street parking in the locality on narrow lanes to the detriment of local amenity and highway safety and would be contrary to Policy DES1 d) of the Monmouthshire Local Development Plan.

PREVIOUS REPORT (MARCH 2022)

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 be 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 a 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>

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Application Number: DM/2021/01562

Proposal: Change of use from C3 (dwelling) to C4 (HMO)

Address: Plot 5, Lower Hardwick, Hardwick Hill, Chepstow

Applicant: Mr Adam Vers

Plans: Floor Plans - Proposed FF Plan - , Floor Plans - Proposed GF Plan - , Site Plan - , Location Plan - , Elevations - Proposed Elevations - Bat and Bird Boxes

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Young

Date Valid: 15.09.2021

This application is presented to Planning Committee at the request of the Local Member, Councillor Paul Pavia

1.0 APPLICATION DETAILS

1.1 Site Description

Plot 5 Hardwick is a modern, recently completed eco-dwelling. It occupies a triangular shaped plot between Hardwick Hill Lane and the A48. The land slopes down in an easterly direction. The two-storey dwelling is finished in timber cladding with a turf (green) roof. The majority of glazing is on the eastern elevation. The site is surrounded by a low-level natural stone wall. There is an existing vehicular access from Hardwick Hill Lane and off-road parking provision within the site. The site is located within the Chepstow Conservation Area, the Development Boundary and is within an Air Quality Management Area.

1.2 Value Added

Biodiversity Enhancements have been added.

1.3 Proposal Description

The application seeks the conversion of the property into a House in Multiple Occupation (HMO) which would provide four bedrooms and a bathroom on the first floor and a further two bedrooms and a communal kitchen/diner on the ground floor. There would be no external alterations to the appearance of the dwelling. The existing vehicular access and parking provision would be utilised. Use Class C4 would place a limit of six persons being able to live at the property at one time.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/00071	Discharge of conditions 3, 5 and 8 (samples of materials, landscape scheme drawing and traffic management plan). Relating to application DC/2017/00623.	Approved	14.06.2019

DM/2019/01038	Non material amendments in relation to planning permission DC/2015/00931 (Raising the height of the roof by 300mm and minor revisions to elevations)	Approved	28.10.2019
DM/2019/01091	Change of use to a house of multiple occupation. No external alterations to the property.	Approved	08.11.2019
DM/2019/01094	Add three shower rooms (one with toilet, shower and sink, one with shower and toilet and one with shower and sink). Change of use to HMO consisting of ten rooms plus one room with no en-suite.		
DM/2020/01488	Discharge of condition no.3 of planning consent DC/2017/00623 - driveway surface material	Approved	25.11.2020
DM/2021/01365	Partial discharge of condition no.5 (landscape scheme) of planning consent DC/2017/00623	Approved	19.10.2021
DM/2021/01562	Change of use from C3 (dwelling) to C4 (HMO).	Pending Determination	
DC/2014/01485	Retention and completion of boundary wall.	Approved	28.08.2015
DC/2014/01486	Retention and completion of boundary wall and fence.	Approved	28.08.2015
DC/2017/00371	Non material amendment relating to DC/2015/00931 (Omission of basement area to unit no.3); erection of three dwellings and formation of new access.	Approved	28.06.2017
DC/2014/00251	Revised scheme to that approved by DC/2011/00505. to provide a new apartment with associated works.	Approved	24.09.2014
DC/2011/00504	One new apartment with associated works.	Approved	21.03.2013

DC/2005/00053	Conversion Of Existing Single Dwelling House Into Six Self Contained Flats.	Approved	20.06.2006
DC/2015/00932	Erection of three dwellings and formation of new access.	Approved	20.01.2016
DC/2004/01098	Erection Of One Detached Dwelling & Conversion Of Existing House Into Five Self Contained Flats	Approved	19.06.2006
DC/2008/00909	Conversion of existing house to flats, additional dwellings in the grounds.	Refused	19.01.2009
DC/2008/00908	Conversion of existing house to flats and four dwellings in the grounds.	Refused	16.01.2009
DC/2015/00931	Erection of three dwellings and formation of new access.	Approved	15.01.2016
DC/2014/00253	Revised scheme to that approved by DC/2011/00505, to provide a new apartment with associated works.	Approved	13.10.2014
DC/2011/00505	One new apartment with associated works.	Approved	13.03.2013
DC/2012/00279	Conversion of one dwelling into five flats	Approved	11.10.2012
DC/2011/00517	Modify condition 7 of approved application M12066 to extend life of permission to 19th June 2016	Approved	11.10.2012
DC/2009/00641	Conversion of existing building to apartments with associated works	Refused	08.06.2010
DC/2009/00643	Associated works in connection with three new dwellings.	Approved	08.06.2010

DC/2009/00650	One new apartment with associated works.	Refused	08.06.2010
DC/2016/01425	Non material amendment in relation to planning permission DC/2015/00931 - Separation of units 2 and 3, to be detached units with chimney in common only.	Approved	05.01.2017
DC/2011/00506	Three new dwellings with associated works	Approved	03.10.2012
DC/2011/00507	Three new dwellings with associated works.	Approved	03.10.2012
DC/2009/00649	One new apartment with associated works.	Refused	03.06.2010
DC/2009/00640	Conversion of existing building to apartments with associated works	Refused	03.06.2010
DC/2009/00642	Three new dwellings with associated works	Refused	03.06.2010
DC/2017/00853	Discharge of conditions 8 (foul drainage), 10 (materials and finishing) and 11 (details of the proposed windows and doors). Relating to application DC/2015/00931.	Approved	09.10.2018
DC/2017/00624	Construction of sustainable low energy Eco-House dwelling with landscaping and surface car parking, plus new access/egress onto Hardwick Hill Lane by part demolition of existing garden boundary wall and replacement iron railings	Approved	11.06.2018

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New 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

H9 LDP Flat Conversions
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas

Supplementary Planning Guidance

Chepstow Conservation Area Appraisal (March 2016):

<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/chepstow-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>

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

Chepstow Town Council - Refuse

1. Overdevelopment of the site therefore contradictory to Policy DES1.
2. Inadequate onsite parking and ingress / egress onto a highway in an area with Air Quality issues.

MCC Highways – Object.

Although the application indicates that five car parking spaces can be provided to accommodate the maximum number of bedrooms/ occupancy, the highway authority recommend that five car parking spaces are provided but question whether the car parking spaces can be accessed from Hardwick Hill Lane in a safe manner. Vehicles are unlikely to be able to access and egress the parking spaces in a forward gear from Hardwick Hill Lane and any shortfall in use of the parking spaces will add to the existing parking stress experienced on the adjacent public highways particularly Hardwick Lane and Steep Street.

MCC Heritage Officer - No objection

The proposal makes no external alterations only to the change of use. The proposal is within the Chepstow Conservation Area and setting of Lower Hardwick a Grade II Listed Building. Based on the information submitted, no adverse heritage concerns on the proposed change of use.

5.2 Neighbour Notification

Letters received from four addresses with the following points. Responses have been summarised as follows:

The development will increase the volume of traffic significantly, during construction and afterwards

Hardwick Hill Lane is very narrow and there is already lane/parking issues from the development, it is not suitable for emergency vehicles

Junction with A48 is extremely dangerous – this should be made one way without the additional residents, this will cause a highway obstruction.

Concerns residents were not notified of the development proposals

Concerns over increased noise from traffic and occupants

Concerns over levels of privacy

Concerns over damage to property, in particular fences

Our fence has been damaged many times during construction and this will, I feel, only continue.

We do not want multiple people living in the house. We were told this was a family house development.

The wall bordering plot 5 has been lowered which I believe is contrary to its protected status.

5.3 Other Representations

None received

5.4 Local Member Representations

Councillor Paul Pavia

I would like this application to be formally taken to Planning Committee please because of:

There are no other properties in this area have been converted from C3 family dwelling into a HMO, therefore it would be a substantial change of character for the area; There would be significant additional traffic pressure on the very limited road network up Hardwick Hill Lane; There would be significant additional parking pressure on the Hardwick Hill Lane and Vauxhall Lane - something I don't believe the amendments properly deal with; Concerns about the reduction in the quality of the local environment and street scene; and damage to social cohesion with higher levels of transient residents and fewer long term households and established families, leading in the long term to communities which are not balanced and self-sustaining, which as a County Council, we are looking to achieve in our development plan.

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

This is an existing residential property within the Chepstow Development Boundary. The principle of residential use is already established. There has recently been a change in legislation in Wales so that now a change of use to a House of Multiple Occupation (HMO) requires planning permission. MCC has no specific policies relating to HMOs, but Policy H9 Flat Conversion could be used as a guiding principle. Policy H9 of the LDP states that the conversion of properties into flats within town development boundaries will be permitted provided that the development does:

Not adversely affect the particular qualities of the street scene,

Will not adversely affect the qualities of the building particularly where they make a positive contribution to the characters of conservation areas

Provides reasonable levels of amenity and privacy to adjacent properties and where they ensure that car parking and service requirements are met in a manner which preserves the character and appearance of the area

Do not have an adverse impact on highway safety.

In this case there are no external physical alterations to the property and it will have no impact on the street scene. The site is located within the Chepstow Conservation area however the building has been considered in terms of design through the previous application and this change of use application does not propose any external alterations. The issue of design of the existing building is therefore not part of the consideration of this application. The proposal will not adversely affect the particular qualities of the existing dwelling as there will be no alterations, there is no requirement for additional infrastructure such as fire escapes or bin stores. There is a large area of hardstanding at the front of the property this is of sufficient size to accommodate the required parking provision. There will be no alterations to the existing vehicular access into the site or the parking provision. The proposal therefore accords with the objectives of Policy H9 of the LDP. The principle of the property being used as an HMO is considered to be acceptable. The dwelling will be used to house private tenants. The dwelling would continue to be used for residential purposes and this type of residential use is appropriate within this area and within the Chepstow Development Boundary.

6.2 Sustainability

Chepstow Town Centre is one of the most sustainable locations within the county with good public transport links, including bus and train services within walking distance of the site. The occupiers of this property would also be able to walk to all of the facilities within the town centre. The Local Development Plan and PPW encourages sustainable development. Furthermore, this property was built as an eco-house and as such it will be efficient to run in terms of energy consumption. The proposal accords with a key objective of PPW11 providing residential accommodation in a sustainable location.

6.3 Good Design and Place Making

Policy DES1 of the LDP requires that the dwelling contribute to a sense of place while its intensity is compatible with existing uses. The proposal will have no impact on the appearance of the area, there are no external physical alterations required. The dwelling will be subdivided internally to provide two additional bedrooms on the ground floor. No additional infrastructure is required externally. The garden will provide amenity space for the residents but there will be no subdivision of the garden or any additional fences or outbuildings. The site is visually prominent when viewed from the A48 within the Chepstow Conservation Area however there are no physical changes to the existing dwelling and gardens. The change of uses will have no impact on the design of the existing building, it will retain the buildings presence and not alter the street scene. The design of the proposal is respectful of the prevailing character of the area and contribute towards a sense of place. The proposal therefore accords with the objectives of policy DES1 of the LDP. PPW 11 says that good design is fundamental to creating sustainable places where people want to live work and socialise.

6.4 Historic Environment

The site is located within the Chepstow Conservation Area and needs to be evaluated against policy HE1 of the LDP. Within Conservation Areas, developments should preserve or enhance the character of the area. In this case the proposed change of use will not result in any external alterations to the building so it will therefore preserve the character of the building and the conservation area. The character of the building will not be altered as a result of the change of use. The proposal will not have a serious adverse effect on views and vistas in or out of the conservation area in fact it will not alter any vistas. The setting of the listed building will not be affected by the change of use. The proposal therefore accords with the objectives of policy HE1 of the LDP as it would preserve the appearance of the conservation area. The Heritage Officer has no objection to the proposed change of use stating that "The proposal makes no external alterations only to the change of use. The proposal is within the Chepstow Conservation Area and setting of Lower Hardwick a Grade II Listed Building. Based on the information submitted, no adverse heritage concerns on the proposed change of use."

6.5 Impact on Amenity

Plot 5 Hardwick is surrounded by residential development. To the north-west of the site, on the opposite side of Hardwick Hill Lane are four residential properties Apeldoorn, Glanmor, Alwyn and Hafan, these are one and two storey dwellings that face onto Hardwick Hill Lane and the application site. These properties have long front gardens and are set at least 27 metres from the boundary of Plot 5, they are also set at a higher level. The proposed change of use does not involve any additional window or door openings so there will be no increase in overlooking as a result. The application seeks to change the arrangement from a potential family of 6 occupying the property to six separate individuals. It is considered that there is no direct correlation between family association and the increase in noise from the property. The level of occupation, six individuals, is not considered to be an intensification of use that would directly relate to noise disturbance over and above the existing lawful residential use.

To the west of the site are the residential dwellings of Little Hervells, these have recently been constructed but are currently unoccupied. There is a current application for a change of use of no 2 into an HMO. Again, the way the HMO is occupied will make little material difference to the occupiers of these new dwellings in terms of noise and disturbance. Lower Hardwick, to the west is a Grade II Listed Building, it is the host dwelling for the new development of Little Hervells. Lower Hardwick house has been operational for a number of years as an HMO for up to 13 individuals. In 2019, following a change in legislation Little Hardwick was granted planning permission to operate as an HMO (use class C4). The proposed change of use for all three of these dwellings will help to provide a variety of housing types offering more choice to tenants in Chepstow. The HMO will be used as a residential property, not unlike the surrounding residential properties. 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.

6.6 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 close to the centre of Chepstow within easy walking distance to all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public transport links including the bus and railway stations. This site occupies one of the most sustainable locations in the county and the occupiers of these dwellings will be less reliant on the car to go about their daily business.

6.6.2 Access / Highway Safety

There will be no alterations to the vehicular access into the site. The Highway Authority has raised concerns over the access arrangements into the site. Planning permission was granted for the dwelling on this site in November 2018, DM/2017/00623. At that time three car parking spaces were provided in the forecourt that enabled cars to access and egress the newly constructed access off

Hardwick Lane. The current proposal does not propose any alterations to the access, and three parking spaces is considered reasonable for this proposal given the sustainable location of this site. The applicant has supplied a vehicular tracking plan that shows how the vehicles would enter and leave the site in a forward gear.

6.6.3 Parking

The adopted Monmouthshire Parking Guidelines require one car parking space per bedroom up to a maximum of three. In this case there is parking provision for at least three cars on the site as is indicated on the submitted site plan 2168/04. Given the nature of the p[proposal where there is evidence of lower levels of car ownership and more importantly, the sustainable location of the site, the level of parking is considered acceptable. The proposal is considered to accord with the objectives of Policy MV1 of the LDP in providing adequate on-site parking.

6.7 Flooding

The site is not in a designated Flood Zone according Development Advice Map (DAM) contained in TAN15.

6.8 Drainage

6.8.1 Foul Drainage

The foul water discharges to mains drains, there will be no increase in discharge as a result of this change of use.

6.8.2 Surface Water Drainage

There will be no increase in the amount of hard surfaces on the site as a result of this proposal. There will be no increase in the size of the footprint of the building and no increase in the parking area. There is a large area at the front of the property which is surfaced in set paviors that provides the current parking area and this will not be altered as a result of this proposal. Rates of surface water flow will remain unchanged because of this change of use from private residential dwelling to an HMO.

6.9 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 and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.10 Biodiversity

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" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The proposal includes biodiversity enhancements in the form of bat and bird boxes on the dwelling. These measures have been shown on the elevational drawings and this will provide ecological net benefit on the site as required by the Environment (Wales) Act 2016 and Planning Policy Wales Edition 11. The proposal accords with the objectives of Policy NE1 of the LDP.

6.11 Air Quality

The application site is located within an Air Quality Management Area and air quality on Hardwick Hill is constantly monitored. The impact on air quality as a result of this change of use would be minimal.

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

Concerns were raised over the addition of an HMO being out of character with the uses within the area causing detriment to the community. The HMO use is a type of residential use that is considered to be appropriate within this predominantly residential area. It is not considered that an HMO would have detrimental impact on the amenity of the adjacent residents for the reasons identified above. It is accepted that an HMO may result in a greater turnover of residents, but this is not a material planning consideration and is not a valid reason for refusing the planning application. There are no physical alterations proposed to the property so the change of use should not affect the character of the area.

Concerns are also raised in relation to increased traffic and a lack of parking provision. These issues have been considered in the main body of the report. It is unlikely that there will be a significant increase in the number of vehicular movements as a result of this proposal over and above the current legal use. Given the very sustainable location of the site, it is often the case that parking standards can be relaxed to encourage the use of more sustainable forms of transport. There is already provision for at least three off road car parking spaces within the site and this level of parking is considered reasonable for the scale and nature of development proposed.

In addition, the proposed change of use does not propose any alterations to the existing access into the site or the parking provision and therefore the access for emergency vehicles will not be impacted by the proposal.

Concerns raised over damage to property during construction as there was damage and disruption caused during previous construction works at Little Hervells and High Trees. The current proposal does not involve any external works so there should be no more disruption resulting from construction.

A site notice was posted on the 23/09/21 and letters were sent to adjoining properties on 30/09/21.

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

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

6.14 Conclusion

The application relates to a change of use of the modern property from a private residential unit to a house in multiple occupation. There will be no physical alterations to the building, access or parking provision. The application relates to an existing residential property within the Chepstow Development Boundary. The principle of residential use is already established, and the proposal accords with the objectives of Policy H9 of the LDP with regards to Flat Conversions. The proposed change of use will not adversely affect the particular qualities of the street scene, will not adversely affect the qualities of the building particularly as there are no external alterations to either the dwelling or the curtilage. No additional windows or outbuildings are being proposed so there will be no change to the levels of amenity and privacy of adjacent properties.

The site is located within the Chepstow Conservation Area and needs to be evaluated against Policy HE1 of the LDP. As there are no physical alterations to the dwelling or the curtilage, the character of the conservation area will be preserved. The setting of the building will not be affected by the change of use. The proposal therefore accords with the objectives of Policy HE1 of the LDP

as it would preserve the appearance of the Conservation Area. 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. The site occupies a sustainable location close to the town centre. There will be no alterations to the vehicular access into the site and adequate parking would be available within the site boundary, according with the adopted parking standards and complying with the objectives of Policy MV1 of the LDP. The application is policy compliant and recommended for approval.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

- 3 The Biodiversity net benefit measures comprising two bat boxes and two bird boxes as illustrated on the elevational drawing submitted 03/12/21, 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.

- 4 The property shall not be occupied by more than six persons at any one time.

Reason: to avoid an unacceptable intensification of the use and in the interests of the living conditions of neighbouring occupiers.

Application Number: DM/2021/01623

Proposal: Change of use from C3 (dwelling) to C4 (HMO) for maximum of 6 no occupants

Address: Little Hervells Court, 3 Hardwick Hill, Chepstow, NP16 5PT

Applicant: A. Vers

Plans: Location Plan 2155/01, Site Plan 2155/02A, Floor Plans - Proposed 1052203/PL04E

RECOMMENDATION: APPROVE

Case Officer: Mr Adam Foote

Date Valid: 29.09.2021

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

1.0 APPLICATION DETAILS

1.1 Site Description

The application site comprises a detached dwelling with accommodation arranged over three floors on Hervells Court, Hardwick Hill. The property benefits from a private rear amenity space and off-street parking consisting of driveway and parking area immediately outside the dwelling, garage and a parking area adjacent to the dwelling (as illustrated on proposed plan 2155/02A). The application site is within the Chepstow Conservation Area and within close proximity to listed buildings.

The application site falls outside of a flood zone as identified by the Development Advice Map (DAM) that accompanies Technical Advice Note 15: Flood Risk and Development and is outside of the Phosphates Catchment Area. The application site is within an Air Quality Management Area.

1.2 Proposal Description

This application seeks consent to use the property as a six-bedroom house in multiple occupation (HMO) for a maximum of six occupiers. No external alterations are proposed to the property. The occupiers would utilise the existing parking provision and amenity space. Occupiers would have private bedrooms and communal living areas.

2.0 RELEVANT PLANNING HISTORY (if any)

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New 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

H9 LDP Flat Conversions
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas

Supplementary Planning Guidance

Chepstow Conservation Area Appraisal (March 2016)
Monmouthshire Parking Standards (January 2013)

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040
Planning Policy Wales (PPW) Edition 11
The Planning (Listed Building and Conservation Areas) Act 1990

Technical Advice Notes

Technical Advice Note 24: Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Chepstow Town Council: Recommended for refusal due to: over development, parking/vehicular access issues and impact upon air quality.

MCC Highways: Objection on the basis of inadequate parking provision and detrimental to highway safety.

MCC Licencing: No reply.

MCC Environmental Health: No objection.

5.2 Neighbour Notification

This application was advertised by means of two site notices and direct neighbour consultation. One objection has been received from the public consultation raising concern due to the impact upon parking and the impact upon the highway network.

5.4 Local Member Representations

The Local Elected Member has requested that the application be reported to Committee raising concern over the impact of the development on the character of the area, impact upon parking/the highway network, impacts upon amenity and due to the transient nature of residents.

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

6.0 EVALUATION

6.1 Principle of Development

The application site is located within the settlement boundary as identified in the Monmouthshire Local Development Plan where there is a presumption in favour of development and the efficient

use of land is encouraged. The site is within a primarily residential area and as the proposed use is for residential accommodation no issue is raised in this respect.

Monmouthshire's LDP does not have a policy relating to HMO's nor does it have any supplementary planning guidance relating to HMO's their distribution, concentration or location. Policy H9 relates to flat conversions and whilst it is not directly applicable it is considered the closest relevant policy to establish the acceptability of the principle of development.

H9: Proposals for the conversion of properties into flats within town and village development boundaries will be permitted provided that the development:

- a) will not adversely affect the particular qualities of the street or area where the proposed conversion is located;
- b) will not adversely affect the particular qualities of the buildings, particularly where they make a positive contribution to the character of Conservation Areas;
- c) provides reasonable levels of amenity and privacy of adjacent properties through careful consideration of the positioning of entrances and fire escapes, and noise transmission issues; and
- d) ensures that car parking and service requirements are met in a manner which preserves the character and appearance of the area and do not have an adverse impact on highway safety or cause traffic congestion.

It is not considered that the use of the property as a six-person HMO would have an unacceptable impact or is contrary to the criteria within Policy H9. The development is considered to be acceptable in principle.

6.2 Sustainability

The application site is within the settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. The property is within walking distance of the town centre and its amenities and is well served by public transport. The proposal therefore accords with the sustainability objectives of both local and national Planning Policy.

6.3 Visual Impact

No alterations are proposed to the exterior of the property therefore the visual impact and impact upon the surrounding area would be unchanged. There would be no unacceptable impact upon the special character of the Conservation Area or the historic assets within the vicinity as a result of the development. No conflict with policies DES1 or HE1 have been identified.

6.4 Biodiversity

Policies GI1 and NE1 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no significant concerns in this regard given the existing context and nature of development proposed. The nature of the development is such that it would not impact upon green infrastructure or biodiversity interests, nor would it have any significant impact upon climate change. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the afore mentioned features and to mitigate against the effects of climate change, however, in this case there would be no adverse impact and therefore the lack of biodiversity enhancements would not be sufficient for planning consent to be withheld or for a condition requiring such amendments to be imposed. Appeal decision APP/B6855/D/21/3282747 has been given significant weight in the assessment of this element of the proposal.

6.5 Impact on Amenity

The proposed use is residential in its nature and therefore is not considered to result in a materially different impact to the existing lawful use as a single dwelling house. The property is of a sufficient scale to accommodate the change of use without requiring external alterations or extension and therefore there will be no different impact upon neighbouring occupiers in terms of

the built form. Due to the scale of the property, it is considered that six people could occupy the dwelling as a single family or under use class C3b without requiring planning consent which would generate the same impact in terms of the proposed use. Due to this, it is considered that the use of the dwelling for up to six occupiers is acceptable and would not prejudice the character or amenity of the area to an unacceptable degree.

6.6 Air Quality

The application site is located within an Air Quality Management Area and air quality on Hardwick Hill is constantly monitored. The impact on air quality as a result of this change of use would be minimal and does not warrant concern.

6.7 Highways

The Council's Highway Officer has objected to the proposed development on the basis that there would be insufficient parking provision in line with the Council's adopted parking standards (which would require one space per bedroom) and due to the impact upon the local highway network. The parking standards require the current use as a single dwelling to provide three off-street parking spaces.

The property is of sufficient scale to easily accommodate up to six occupiers, which could occur without the need for planning consent either by the occupiers living together as a single family or the property could be used as a C3c use which allows for 'groups of people (up to six) living together as a single household to allow for those groupings that do not fall within the C4 HMO definition to be provided for, e.g. a small religious community may fall into this category as could a homeowner who is living with a lodger. Therefore, as six people could reasonably occupy this property without the need for planning permission it is considered unreasonable to insist that six off-street parking spaces are required for an HMO when only three are required for a single dwelling house. In addition, the location is considered to be highly sustainable being in walking distance of the train station, bus routes and the town centre with a wide range of services. In this instance, it is considered acceptable to reduce parking standards to encourage more sustainable forms of transport. The location is therefore considered suitable to support lower levels of parking provision in line with Future Wales and PPW 11.

PPW 11 states;

4.1.50 "Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed.

4.1.52 "Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places".

Future Wales states;

Policy 12 page 83 "Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time".

Policy 12 Page 86 "Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport".

Additionally, there is no evidence to support that the use of the property as an HMO would have a greater impact upon parking/the highway network than the existing use as a dwellinghouse. The impact upon the highway network could be of an equal or greater amount from the current use or from the property being used as C3c use (as referred to above). Therefore, as the single dwelling was deemed acceptable in regards of highway safety it is not considered justified to refuse consent on this basis.

PPW11 and Future Wales both promote sustainable development stating that developments should be designed to minimise journey times and promote sustainable modes of transport to reduce the reliance upon private motor cars. The proposed HMO, is situated within walking distance of local amenities and transport links and would make efficient use of land and housing stock, therefore supporting the sustainability objectives of national policy. A 2006 appeal decision stated that "the emphasis of national policy advice is on reducing the amount of parking associated with development in order to promote sustainable travel choices and limit land take". It advises local authorities not to require developers to provide more parking spaces than they themselves wish, and to allow housing developments with limited or no off-street parking in areas with good public transport accessibility. The inspector went on to state that, "in my experience, accommodation of the kind proposed tends to attract occupiers with lower-than-average levels of car ownership", a claim that is backed by the findings of Residential Car Parking Research (2007) where it was demonstrated that tenure was a significant influence on car ownership. It stated that, "local planning authorities will wish to consider tenure carefully when developing car parking policies". The 2001 census showed how car ownership reduced dramatically from privately owned accommodation to rented properties. For example, 32% of flat owners had no vehicles, whereas this rose to 62% of those renting flats.

A further appeal for a change of use to a five-bedroom HMO in August 2008 concluded that there is no proven link between HMO occupation and an increase in car ownership. The inspector was of the view that high levels of car ownership could also arise from continued occupation of the house as a single family dwelling. Additionally, in a recent appeal decision the inspector found that potential occupiers would know the amount of parking available at a property when they signed the lease and if parking was an important consideration for them and it was not available, then this would impact upon the attractiveness of the property as a home.

6.8 Surface Water Drainage

The proposed development would not result in any additional built form or hard surfacing at the site. As such, there would be minimal impact upon flood risk, nor is there any justification to seek water sensitive design solutions.

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

Concerns have been raised over the impact of the development on the character of the area, impact upon parking/the highway network, impacts upon amenity, as there are no other HMOs in the area and due to the transient nature of residents which would be detrimental to social cohesion. Issues relating to parking, the highway network and amenity have been covered within earlier sections of this report.

Regarding the lack of other HMOs in the area, there is another property used as a 13 bedroom HMO within 40m of the application site. There is no evidence that the existing HMO has had an unacceptable impact upon the social cohesion of the area. The length of tenancy associated with HMO's may result in a higher turnover of residents than associated with the rental of entire properties or the purchase of properties however this is outside the remit of the Town and Country Planning Act and is not a material consideration in the assessment of this application - it should therefore not result in planning consent being withheld.

The Town Council has recommended that the application be refused due to an over-development of the plot, impact upon parking/highway safety and due to a negative impact upon air quality. These points have been addressed within the earlier sections of this report.

One objection has been received regarding the public consultation; the points raised have been covered in earlier sections of this report.

6.10 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.

6.11 Conclusion

Having regard to the policy context and nature of the development, the proposal is considered acceptable and planning permission is recommended subject to conditions.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

3 The property shall not be occupied by more than six persons at any one time.

Reason: to avoid an unacceptable intensification of the use and in the interests of the living conditions of neighbouring occupiers.

Application Number: DM/2022/00241

Proposal: The proposed construction of surface water apparatus to serve the development of a new care home and residential dwellings approved under planning ref: DM/2018/00696

Address: Land Development south of Crick Road, Crick Road, Portskewett

Applicant: Melin Homes & Lovell Partnerships Ltd

Plans: Location Plan 2124-116 - , Drainage 124-PHG-RP-C-0001 P3 - Drainage Strategy, Drainage 2124-118A Off Site Drainage Details - , All Drawings/Plans 2124-110D - Offsite Surface Water General Arrangement Sheet 1 - , All Drawings/Plans 2124-111D - Offsite Surface Water General Arrangement Sheet 2 - , All Drawings/Plans 2124-112D - Offsite Surface Water General Arrangement Sheet 3 - , All Drawings/Plans 2124 - STORM DRAINAGE UP TO 100YR +30 REV C (SURCHARGED OUTFALL) - , All Drawings/Plans 2124-120B - Flood Exceedance Plan - , All Drawings/Plans 2124-115 - Offsite Headwall Outfall - General Arrangement - , All Drawings/Plans 2124-119A - Offsite Sewer Easement Plan - , All Drawings/Plans AH4CB LH Headwall + 300mm Flap Valve - , All Drawings/Plans RSFA11A Headwall + 500 x 500mm Toe + 250mm Flap Valve - , All Drawings/Plans RSFA11A Headwall + 500 x 500mm Toe - , All Drawings/Plans 2124-PHG-RP-C-0002_Drainage Management & Maintenance Strategy_1st Issue - , All Drawings/Plans edp5822_r013-A-Ecology Technical Note_ Precautionary Working Met - , All Drawings/Plans edp5822_r008-B-Arboricultural Method Statement - Drainage - , All Drawings/Plans edp5822_r012-A-Arboricultural Addendum Statement - , All Drawings/Plans edp5822_r010-C Landscape Management Plan Drainage - , All Drawings/Plans edp5822_d015-D-Landscape Detailed Design to Swale _ Channel - , All Drawings/Plans edp5822_r011--- Construction Ecological Management Plan (CEMP)_ B - , All Drawings/Plans Level CEMP Crick Road - Off site - , All Drawings/Plans 2022s0241 Crick Road JBA Technical Note v4.0 - ,

RECOMMENDATION: APPROVE

Case Officer: Jo Draper
Date Valid: 16.02.2022

This application is presented to Planning Committee due to it relating to Council-owned land

1.0 APPLICATION DETAILS

1.1 Site Description

1.1.1 There are two current planning applications that relate to the same development:

DM/2019/01485 Discharge of conditions 5 and 11 (Partial discharge already consented on Condition 11 foul drainage) of planning consent DM/2018/00696 (drainage strategy).

DM/2022/000241 The proposed construction of surface water apparatus to serve the development of a new care home and residential dwellings approved under planning ref: DM/2018/00696.

This separate planning application was submitted as the works were being undertaken outside the red line boundary demarcated by DM/2018/00696.

1.1.2 This application covers all the off-site drainage works required to deal with the surface water drainage resulting from the Crick Road strategic development (Care Home, Residential Development and associated infrastructure)

1.1.3 The supporting information states that there are no watercourses or land drainage features within the development boundary or immediately adjacent to the site. The closest watercourse is the Nedern Brook, located approximately 300m west of the development. The drainage proposal is to drain the water from the site into the Nedern Brook; this is outside the approved red line boundary for the strategic development site.

1.1.4 A developed drainage design has been produced for 3467m³ of attenuation storage. During design development the use of ponds or basins were investigated and proposed as the most appropriate means of providing the required attenuation, however it was soon recognised that due to site topography, levels and site constraints this means of attenuation could not be provided within the development site. Attenuation is provided with below-ground cellular tanks to be adopted by Dwr Cymru – Welsh Water (DCWW); the surface water subject to this application is drained from these tanks along the specified route to final discharge at the Nedern Brook.

1.2 Value Added

Significant value added in terms of securing additional trees as well as ecological and landscape enhancement.

1.3 Proposal Description

1.3.1 The proposed development sits to the east of the Caldicot Castle grounds and the closest watercourse, the Nedern Brook. The proposed storm water drainage strategy for the site proposes to convey surface water from the site along the railway line via gravity drains to the Caldicot Castle grounds; the drains then discharge to an existing storm drain /ditch system, to be upgraded, and ultimately discharged to a tributary of the Nedern Brook.

1.3.2 With respect to proposed off-site drainage infrastructure, the route follows a steep disused railway embankment located to the south-west/west of the residential care home site, leading under the B4245 carriageway before travelling through woodland and poor semi-improved grassland associated with Caldicot Castle Country Park (CCCP). The drainage route eventually discharges into the Nedern Brook, located to the north-west of the Development Site.

1.3.3 Surface water runoff generated by the development will be captured and conveyed across the site via a series of gravity drains and sewers. The peak flow offsite will be limited to 17 l/s with appropriate attenuation provided to control and store peak volumes. The proposed route and measures proposed for this surface water drainage scheme are as follows:

- i) The controlled flows are directed via a dedicated 225 diameter storm sewer laid adjacent to the railway line to an outfall within Caldicot Castle grounds, the discharge headwall is the proposed limit of the DCWW adopted drainage network.
- ii) From the headwall the flows pass through a series of ditches, which are to be remediated /enhanced as part of the development proposals, with ultimate discharge being to the Nedern Brook.

1.3.4 The location of the outfall to the ditch system lies within a recognised flood zone (Flood Zone 3 /C2). A Technical Report has been submitted with this application looking at the influence of the proposed development on the existing flood risk and levels, within Caldicot Castle Grounds, and beyond. As the ditch system sits within a recognised flood zone the risks associated with the remobilisation of sediments and contaminants needs to be assessed. The supporting information states that the scheme is designed to provide a robust system that can trap and retain most pollutants during normal storm events within the lower trench base and vegetated layers. It is proposed that during extreme events some pollutants may wash over the trench system but would be retained within the vegetated /bio-retention area.

1.3.5 A Precautionary Working Method Statement has been submitted that details measures considered necessary to protect and conserve the ecological and landscape interest features of the site, encompassing the temporary storage compound and access route associated with the offsite drainage.

1.3.6 A Construction Environment Management Plan (CEMP) submitted details the measures considered necessary to protect and conserve the ecological and landscape interest features of Application Site, encompassing the construction footprint of off-site drainage infrastructure. Detailed measures have been provided to ensure that existing and retained features of ecological interest, namely areas of grassland and woodland, are suitably protected during the construction phase of the development.

1.3.7 A Landscape Management Plan (LMP) submitted sets out the landscape operations for creating new infrastructure, landscaped areas, and the management prescriptions for managing this new landscape for establishment and appropriate long-term management of landscape fabric. This LMP is focused on the landscape management of soft landscape features associated with the site. This LMP is written to provide a framework for maintaining retained ecological landscape features, as well as the management of new landscaping, and draws together complementary aims for establishment and on-going management for the site.

The landscape measures prescribed within this LMP propose to integrate the new landscaping within the existing retained landscape fabric. The proposed landscape elements include:

Amenity grassland to publicly accessible landscape areas;

Shade tolerant wildflower mix around the top of the drainage channel;

Turf reinforcement matting to line the base (as required) and banks of the drainage channel;

Tree planting. - There are 4 trees that have been identified on the plans as having to be removed as part of this application, with a total of 12 new trees that are now proposed to replace these and also some additional planting in the ditches leading to the Nedern Brook.

1.3.8 The application site partly falls within the Caldicot Castle Conservation Area and partly within a C2 Flood Zone.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/00696	Outline application (with all matters reserved except for access) for residential development of up to 291 dwellings, a care home and public open space, landscaping and associated infrastructure works	Approved	30.03.2019
DM/2019/00846	Discharge of condition no. 4 of outline planning consent DM/2018/00696.	Approved	02.11.2021
DM/2019/01041	Reserved matters application for the erection of 269 dwellings with ancillary works.	Approved	26.02.2020
DM/2019/01485	Discharge of conditions 5 (Partial discharge already consented on Condition 11 foul drainage) of planning consent DM/2018/00696 (drainage strategy)	Approved	20.11.2021

DM/2019/01629	Application for reserved matters pursuant to DM/2018/00696 relating to Layout, Scale, Appearance of Buildings, Means of Access (where not already approved) and Landscaping for the construction of a care home and associated works.	Approved	26.02.2020
DM/2020/00321	Discharge of conditions; 7 (Barn Own Mitigation Strategy), 8 (Green Infrastructure), 10 (Construction Ecological Management Plan) and 16 (Landscape Management Plan). Relating to application DM/2018/00696.	Approved	19.11.2021
DM/2021/01286	Discharge of conditions 6, 12, 13, 14, 17 and 18 of outline planning consent DM/2018/00696.	Approved	19.11.2021
DM/2021/01484	<p>Non Material Amendment to planning decision DM/2019/01629. Rewording of condition 2 which currently reads as follows:</p> <p>No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.</p> <p>Reason: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.</p> <p>It is proposed to reword this condition as per the below:</p> <p>A scheme of landscaping for the care home shall be submitted and approved by the Local Planning Authority prior to commencement of the superstructure. All approved planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.</p> <p>Reason: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.</p>	Approved	02.11.2021

DM/2021/01734	DOC 2 (Phasing plan, handover & maintenance S38 agreement dated 01.10.2020 and S278 agreement dated 01.10.2020) and 3 (pump station drawing edp5822_sk003) relating to application DM/2019/01041.	Pending Consideration	
DM/2021/01875	Non material amendment to planning decision DM/2018/00696 (It is proposed to amend the wording of condition 5).	Approved	19.11.2021
DM/2022/00241	The proposed construction of surface water apparatus to serve the development of a new care home and residential dwellings approved under planning ref: DM/2018/00696.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S3 LDP Strategic Housing Sites
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design
SAH2 LDP Crick Road, Portskewett

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
LC5 LDP Protection and Enhancement of Landscape Character
SD4 LDP Sustainable Drainage
SD3 LDP Flood Risk
HE1 LDP Development in Conservation Areas
DES2 LDP Areas of Amenity Importance

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

Portskewett Community Council: Noted

Caldicot Town Council: no comments received to date

Natural Resources Wales: No objection

The planning application proposes less vulnerable development (construction of surface water apparatus). Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMP identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 (Rivers and Sea)

Previously concerns were raised regarding the potential raising of site levels, the scheme was subsequently amended and this rise in land levels has since been removed from the scheme and the following comments are now made:

1. We have reviewed the JBA Technical Note (Ref - 2021s1560 dated March 2022 V3) and confirm that the conclusions outlined in Sections 6 and 8 with regards to the impacts on flooding elsewhere are acceptable.

This is on the basis of the extensive area of floodplain (Nedern Brook) and the interaction of the 'attenuated' surface water from the proposed site within this area.

2. We have no objections to the surface water discharge proposals. We've also considered the potential for an event on the Nedern to mobilise any contaminants caught from the system. We consider this would not significantly impact on the wider environment. The volume of flood water would dilute contaminants in this event.

For clarity, the Nedern Brook is a main river and therefore not regulated by the NRW's IDD function, but other NRW functions.

For the proposed headwall to the Nedern Brook (main river), this will require a Flood Risk Activity Permit (FRAP).

Surface Water Drainage (Internal Drainage District (IDD))

The discharge point/headwall within the Castle Grounds is within the IDD Boundary. The surface water from the development passes through a series of ditches. With reference to Section 4.1 of the Drainage Strategy & FCA, it confirms that the peak discharge from the proposed development will be 17 litres/sec. This has been agreed with our Internal Drainage District. Land Drainage Consent 2019/06 was issued on 2nd September 2019 for Construction of new brick headwall structure for surface water discharge and Land Drainage Consent 2019/21 was issued 8th October 2019 for Improvement works & remediation to existing ditch/reen.

Water Quality Controlled Waters - Source Protection Zone.

The site is located within the Source Protection Zone 1 (SPZ1) for the Great Spring public water supply. The public water supply is vulnerable to pollution due to the karstic nature of the catchment and aquifer. Pollutants entering the groundwater within the SPZ1 area will travel quickly to the public water supply, thereby contaminating the water source. Previous ground investigation has demonstrated that infiltration to ground via SuDS methods would not be suitable and hence the need for this drainage feature. The drainage feature therefore needs to be protective of the SPZ1 as it conveys all the collected surface water to the Nedern Brook from the residential development. The SuDS treatment system proposed for the development includes treatment of the water quality as water is conveyed to the discharge point on the Nedern Brook. We consider the proposed treatment to be protective of the SPZ1 and groundwater in the local area and therefore have no objection, in relation to groundwater, to the proposed drainage feature.

Nedern Brook Construction Stage

We note in the 'Construction Ecological Management Plan: Biodiversity (CEMP)' Reference edp5822_r011 dated December 2021 by EDP states that pollution prevention measures will be employed

We agree with this statement and the developer must implement pollution control measures and ensure compliance with PPGs to prevent pollution. Please note no contaminated surface water can be discharged to the watercourse at any time without a permit.

Operational Stage

We understand that clean surface water is to be disposed of via SuDS to the Nedern Brook. No contaminated surface water can be discharged to the watercourse at any time without a permit. We expect only clean, uncontaminated surface water to be discharged to the watercourse at any time.

MCC Land Drainage: No objection

The Flood Risk Team has reviewed the application and raised a few concerns with the impacts of the site on flood risk and water quality with NRW for them to respond/acknowledge. Whilst the site has failed to include any SuDS features as per the original proposal, the site does manage the surface water to an agreed (with NRW) outfall rate. In discussion with the developer, a proposed section of filter drain and wetland has been proposed between the headwall and the Nedern Brook. NRW has confirmed that this section of ditch will provide sufficient water quality treatment for discharge to the Nedern and that they are satisfied there will be no increased water quality issues as a result of the development. NRW have also confirmed that in a flood event the risk of contaminates stored in the ditch system being mobilised will not cause a pollution incident due to dilution rates.

NRW have also confirmed that the JBA technical note stated increases in flood levels (up to 10mm) as a result of the surface water outfall location will have no impact on properties already at risk of flooding in the vicinity of Caldicot Castle, therefore not increasing flood risk for existing properties. The layout of the site has been reviewed with a few areas of surface water exceedance flooding however, these should not create flood risk to the new properties due to finished floor levels being raised.

A condition securing compliance with the approved management and maintenance strategy is proposed.

MCC Ecology - Subject to the approval of the plans and documents submitted, I have no outstanding objections to the drainage proposals.

MCC Landscape/GI: No objections

MCC Public Rights of Way (PROW): Although there are no public paths running through or adjacent to the site, the Active Travel Act (Wales) requires local authorities to continuously improve facilities and routes for pedestrians and cyclists and to consider their needs at design stage. As a consequence, Monmouthshire Public Rights of Way would like to see in place at least one multiuser path through the site and especially one that links to the proposed cycle way on the disused railway line adjacent to the site.

Network Rail: No objection

5.2 Neighbour Notification

One neighbour objection has been raised that states the following:

This proposal appears to significantly increase water flow into the Nedern and this already causes flooding of my property. It is unbelievable that such a proposal should even be considered when the Council claim to be reviewing other options to reduce such a risk.

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 This application is for the surface water drainage of an allocated development site in the adopted LDP. The principle of development is already established.

6.1.2 The surface water drainage proposed must be subject to the drainage hierarchy. The Drainage Strategy and FCA (November 2021) has demonstrated how it meets the drainage hierarchal approach for the disposal of surface water as shown below:

Storm Water Runoff Destination: Priority level

1 - Collected for reuse -The use of rainwater harvesting is not a viable/cost effective part of the solution for managing surface water runoff on the site, taking account the potential water supply benefits of such a system

2 - Infiltrated to Ground - Site investigations have confirmed that discharge of surface water to ground via infiltration is not appropriate or possible on the site

3 - Discharge to Surface Water Body - A discharge point to an existing drainage ditch which indirectly communicates with the Nedern Brook was identified and a proposed scheme to connect and discharge at this location has been proposed and agreed with the IDD & NRW.

4 - Discharge to Surface Water Sewer or Highway Drain Not required - Discharging at level 3

5 - Discharge to Combined Sewer Not required - Discharging at level 3

Discharge of surface water as proposed is therefore acceptable in principle subject to detailed considerations; each is addressed in turn below.

6.2.1 Good Design

As the proposed scheme is largely below ground level with a large section running adjacent to the railway line via a pipe underground, there is minimal change in this section. The potential impact comes only in the short-term during the construction phase. A number of reports controlling the method of construction to safeguard trees, landscape and ecology have been submitted with further maintenance and management plans to ensure the long-term upkeep of this development. When the development effectively goes above ground within the Caldicot Castle Country Park with ditches increased and widened, landscape and ecological enhancement are proposed to include amenity grassland to publicly accessible landscape areas; shade tolerant wildflower mix around the top of the drainage channel, turf reinforcement matting to line the base and banks of the drainage channel and tree planting. The design of the scheme both in terms of its proposals, method of implementation and proposed on-going maintenance and management together form a

scheme that meets the design criteria of planning policy ensuring an effectively designed scheme that is managed and enhanced over time.

6.2.2 Place Making

Whilst a significant part of the proposed works are below ground level, the method of construction and implementation has the potential to impact upon the immediately surrounding area. However, significant effort has been given to protect as far as possible the existing green infrastructure assets and enhance them further with a comprehensive landscaping scheme that will add to the sensory experience in this part of Caldicot Castle Country Park.

6.2.3 Green Infrastructure

This is partly covered under 'Landscape', 'Place Making' and 'Good Design'. MCC Public Rights of Way have asked if some form of multi-user path could be provided under this proposal. The original application secured contributions via a legal agreement to the provision of Green Infrastructure Assets; as such, it is not necessary or reasonable to request anything further. This proposed development does however introduce further management and maintenance of GI assets and their enhancement via tree and wildflower planting, amenity grassland, etc., framing and enhancing this partly open water channel that runs through the Country Park. The proposal complies with the objectives of policies S15 and GI1 of the LDP.

6.3 Landscape

6.3.1 As the proposed development is largely below ground level the landscape impact is not significant. However, there are areas of localised change with the expansion and re-configuration of the ditches before the outfall into the Nedern Brook. This is only visible when immediately adjacent as there is no raising of ground levels. The ditches are below ground level although the wider channels and ditches will be softened by a significant increase in tree planting that will be managed in accordance with approved management plans. There are four trees that have been identified on the plans as having to be removed as part of this application, although twelve new trees are proposed to be planted which goes beyond just replacement and compensation but represents significant betterment. Conditions are recommended to safeguard these replacement trees and to replace existing trees that may be damaged. This secures landscape mitigation and enhancement and complies with landscape policies LC5 and GI1 of the LDP.

6.4 Historic Environment

Part of the application site is within the Caldicot Castle Conservation Area, although there is no wider impact upon the setting of Conservation Area as the development is below ground level with trees and GI assets protected and enhanced further. The development would preserve the character and appearance of the Conservation Area in accordance with Policy HE1 of the LDP.

6.5 Biodiversity

There is land take associated with construction of the drainage infrastructure that will result in the temporary loss/disturbance of poor semi-improved grassland. In addition, there would be the removal of some standard trees associated with woodland habitat and understorey shrubs and scrub. There would also be modification of a section of bank along the Nedern Brook to facilitate construction of a headwall. Such habitats have the potential to support protected and notable species.

Supporting documents including a CEMP address all habitats and features of ecological value to be affected by the enabling/pre-construction and construction phases of the development works and set out the management tasks to be undertaken prior to and during the construction phase. The proposed scheme of ecological mitigation and enhancement is considered acceptable, and coupled with the documents that set out how the construction work is undertaken and subsequently monitored and maintained, has satisfied the requirements of policies S17 and NE1 of the LDP.

6.6 Impact on Amenity

There are no residential or commercial properties close to the proposed development, although the route does pass through a publicly-accessible designated Area of Amenity Importance. The proposed works do not compromise any space and deliver enhancement through further planting and improved management, monitoring and maintenance. The impact upon amenity is a positive one. The proposal does not detract from the amenity of this area and complies with relevant Policy DES1.

6.9 Flooding

The application site is partly located within a C2 Flood Zone. Supporting information has been provided in the drainage strategy and FCA. NRW have confirmed that they are satisfied with the applicant's approach of retaining the existing levels and have no further comments to make given the floodplain dynamics will not be altered. The impact of the additional outflow has been scrutinised by NRW and they are satisfied that the development would not result in an increased risk of flooding in the area. The proposed scheme has adequate protection and mitigation measures in relation to discharge rates and water quality to ensure that the development does not have an adverse effect on third parties. The proposal meets the requirements of Policy SD3 of the LDP.

6.10 Surface Water Drainage

The proposed surface water strategy to serve the development of the care home and residential housing (DM/2018/00696) is acceptable in principle and in detail. The scheme has been reviewed by NRW and the Council's drainage officer and there are no objections to the proposals. With regard to practical management, all designed drainage elements are accessible for future maintenance and operation, with maintenance access provided where required to allow future long-term maintenance, inspection, and cleaning to be undertaken. The design has looked at the whole life of the systems and provided additional features and elements to aid maintenance, remediation, and future replacement when the design life is exceeded. These include items such as, sumps, sediment bays, trapped gullies, sacrificial upper stone surface layers within the filter drains, enabling retention of contaminants close to surface and at source reducing maintenance and future replacement costs.

The Drainage Management and Maintenance Strategy has been submitted which covers all parts of the drainage and who is responsible for what. The responsibility for the ongoing maintenance, cleaning and remediation of drainage components, drains, manholes, inspection chambers and ancillaries are split between four distinct parties, DCWW (Majority of Storm Drainage is offered for adoption by DCWW), plot owners, MCC Highways and the appointed Management Company (AMC). The surface water system proposed is considered to be acceptable in this context.

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

6.5.1 One neighbour representation has been received and is concerned that the proposal appears to significantly increase water flow into the Nedern which already causes flooding of their property. The scheme has been fully assessed in terms of flood implications of the proposal and NRW have accepted the proposal, being satisfied that this will not impact flooding elsewhere and is acceptable. The proposals are in accordance with Policy SD3 of the LDP.

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 WCFG Act.

6.7 Conclusion

6.7.1 The method of surface water drainage is acceptable in principle and compliant with the drainage hierarchy. The potential issue of flooding is fully addressed with NRW satisfied with the development. There is an off-site discharge to Nedern Brook with water quality risk-assessed and mitigated and the method is acceptable to NRW and MCC's land drainage and ecology officers. Arboriculture and Ecology concerns have been assessed with mitigation and enhancement provided with significant additional planting and ecological benefits secured in both implementation and in the long-term through effective management, monitoring and maintenance. This in turn has a positive impact upon the wider area that forms this well-used publicly-accessible amenity space. The proposal satisfies planning policy and is therefore recommended for approval subject to the associated conditions below.

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

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

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

4. With the exception of the 4 trees identified as being removed as part of this development, none of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

REASON: To protect valuable tree or other landscape features on the site in the interest of preserving the character and appearance of the visual amenities of the area in accordance with Policy LDP G11.

5. All future maintenance of the downstream ditch and wetland system will be in compliance with the Maintenance and Management Strategy (2124-PHG-RP-C-0002_Drainage Management & Maintenance Strategy_1st Issue).

REASON: To ensure the system is maintained and operational for the life of the development and responsibility is not transferred without the authorisation of the Local Planning Authority given the location and sensitivity of the receiving area.

