

# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 27 November 2023

Notice of meeting:

## Planning Committee

Tuesday, 5th December, 2023 at 2.00 pm  
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and  
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 - 4
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2022/01507 - Proposed additional overflow parking and minibus 'drop off' area. Cefn Tilla Court, Cefn Tilla Road, Llandenny, Usk, NP15 1DG.	5 - 14
4.2.	Application DM/2023/01105 - Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels. Bushes Farm, Chapel Road, Earlswood, Shirenewton, Monmouthshire.	15 - 26
4.3.	Application DM/2023/01259 - Change of use from A1 retail unit to mixed use - D2 (part) soft play and skate park, D1 community hub as well as the original A1 use. Core Shop - Caldicot Town Team, 43 Newport Road, Caldicot, NP26 4BG.	27 - 34

Paul Matthews  
Chief Executive

## MONMOUTHSHIRE COUNTY COUNCIL

### THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Sara Burch	Cantref;	Labour and Co-Operative Party
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor John Crook	Magor East with Undy;	Welsh Labour/Llafur Cymru
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Ann Webb	St Arvans;	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

To become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

## **Objectives we are working towards**

- Fair place to live where the effects of inequality and poverty have been reduced.
- Green place to live and work with reduced carbon emissions and making a positive contribution to addressing the climate and nature emergency.
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop.
- Safe place to live where people have a home where they feel secure in.
- Connected place where people feel part of a community and are valued.
- Learning place where everybody has the opportunity to reach their potential.

## 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 or to attend the meeting in person and address the Planning Committee.**

### Who Can Speak

#### Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting.. 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 or in person at the Planning Committee meeting.

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

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. Speakers will also have the option to attend the meeting in person and address Planning Committee.

### Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

## Procedure at the Planning Committee Meeting

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. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- 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. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting 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.
  -
- Planning Committee members will then debate the application, commencing with the

local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.

- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.
- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
- 
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.



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# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held  
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance  
on Tuesday, 7th November, 2023 at 2.00 pm

**PRESENT:** County Councillor Phil Murphy (Chair)  
County Councillor Dale Rooke (Vice-Chair)

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn,  
Sara Burch, Jan Butler, John Crook, Tony Easson, Steven Garratt,  
Meirion Howells, Su McConnel, Jayne McKenna and  
Maureen Powell

### OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Andrew Jones	Development Management Area Team Manager
Amy Longford	Development Management Area Team Manager
Sally Meyrick	Strategy & Policy Affordable Housing Officer
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer
Anna Hawker	Trainee Solicitor

### APOLOGIES:

County Councillor Sue Riley

#### 1. Declarations of Interest

None received.

#### 2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 3<sup>rd</sup> October 2023 were confirmed and signed by the Chair.

#### 3. Application DM/2021/01595 - Change of use to create 4 no. new flats in existing building (2 floors) with associated facilities and car parking. Internal conversion only with some external upgrades. Some external landscaping works. 56 Brecon Road, Abergavenny, NP7 7RB

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

<https://www.youtube.com/live/WXI3dgd3Snc?si=RjZY4Z1xS8UwyGSo&t=106>

In noting the detail of the application, it was proposed by County Councillor Jayne McKenna and seconded by County Councillor Maureen Powell that application DM/2021/01595 be approved subject to the conditions outlined in the report and subject to the following additional conditions:

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance on Tuesday, 7th November, 2023 at 2.00 pm

- A soft landscaping scheme to be submitted and agreed.
- Followed by a further condition to implement the soft landscaping scheme, accordingly.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/01595 be approved subject to the conditions outlined in the report and subject to the following additional conditions:

- A soft landscaping scheme to be submitted and agreed.
- Followed by a further condition to implement the soft landscaping scheme, accordingly.

#### **4. Application DM/2023/01115 - Modification of Section 106 obligation for planning consent DC/2013/00304. Riverside Court, 35 Swan Meadow, Monmouth Road, Abergavenny**

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

<https://www.youtube.com/live/WXI3dgd3Snc?si=7s4YHDP-3rrTFEq4&t=1543>

In noting the detail of the application, it was proposed by County Councillor Jayne McKenna and seconded by County Councillor Su McConnel that application DM/2023/01115 be approved.

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

For approval	-	14
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2023/01115 be approved.

#### **5. New Appeals Received**

We noted the new appeals received by the Planning Department for the period 1st July to 30th September 2023.

<https://www.youtube.com/live/WXI3dgd3Snc?si=V2e1gWVBsTsqrzde&t=2035>

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA and remote attendance  
on Tuesday, 7th November, 2023 at 2.00 pm**

**6. Planning Annual Performance Report (APR) 2022 – 2023**

We received the Monmouthshire Local Planning Authority Planning Annual Performance Report (APR) – 2022/23.

<https://www.youtube.com/live/WXI3dgd3Snc?si=bbWVCs8kS4Gcygnn&t=2126>

We noted the report.

**The meeting ended at 3.21 pm.**

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**Application Number:** DM/2022/01507

**Proposal:** Proposed additional overflow parking and minibus 'drop off' area

**Address:** Cefn Tilla Court, Cefn Tilla Road, Llandenny, Usk, NP15 1DG

**Applicant:** Mr Robert Evans

**Plans:** Site Plan PP01 - , Site Plan PP02 - D, Location Plan PP03 - ,

## **RECOMMENDATION: Approve**

Case Officer: Mr David Wong  
Date Valid: 05.11.2022

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

### **1.0 APPLICATION DETAILS**

1.1 Cefn Tilla Court is a Grade II\* listed building now used predominantly as a venue for weddings and clay pigeon shooting. This application is for a new overflow parking area and minibus drop-off/parking area associated with Cefn Tilla Court, which is located in the open countryside. The site in question is agricultural land and is surrounded to the north, east and south by agricultural fields, and to the west by the Cefn Tilla Court estate, which is separated by Cefn Tilla Road. A Landscape & Visual Statement, a Transport Statement and a Heritage Setting Statement were submitted in support of this application.

1.2 It is useful to note that this application has been revised to include an enhanced landscaping scheme and confirmed that the largest class of vehicle to utilise this overflow parking area will be 7m minibuses, not coaches as originally proposed. The scheme would provide 20 car parking spaces and a minibus drop off/ parking area which would be large enough for three minibuses. The site is currently occupied by a large agricultural barn and is served by a double gated vehicular agricultural entrance. The two Tree Preservation Order trees will be preserved and integrated into the scheme. The proposal also includes a scheme of biodiversity net gain enhancement.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/01717	Erection of a barn.	Acceptable	14.11.2018
DM/2020/00460	Proposed new machinery store (metal sheeting).	Approved	15.10.2020

DM/2020/00525	Proposed change of use of part of Cefn Tilla Court from private residence to a mixed use as private residence and wedding and general function venue.	Approved	24.11.2020
DM/2020/01187	Proposed change of use of part of coach house to holiday and annexe accommodation and associated works.	Approved	24.03.2022
DM/2021/00530	Proposed Change of use of part coach house to holiday accommodation and associated works.	Approved	01.04.2022
DM/2021/00618	Proposed change of use of workman's hut to holiday accommodation and associated works.	Approved	23.03.2022
DM/2021/00619	Proposed change of use of workman's hut to holiday accommodation and associated works	Approved	11.05.2022
DM/2021/01554	Proposed oak framed open fronted garage and outside store	Approved	23.12.2021

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

#### **Strategic Policies**

S10 LDP Rural Enterprise  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national

development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

### **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

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

### **Technical Advice Notes**

TAN 12 – Design

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Raglan Community Council** – No response.

**NATS** – No objection to the proposal.

**Wales and West utilities** – No response.

**Cadw** – No objection to the proposed development.

**MCC Heritage Management** – No objection. The proposal is in the setting of the registered park and garden, it is worth consulting Cadw on its impact.

**MCC Trees** – No objection, a tree protection condition is recommended.

**MCC Highways** – The applicant has provided further information within a transport statement (TS) in response to our concerns and there is no objection to the revised scheme.

**MCC Landscape** – The applicant has provided a revised proposed site block plan in response to previous observations. The removal of the provision of coach parking is welcome as is the inclusion of additional tree planting. Appropriately worded landscaping conditions are recommended.

### 5.2 Neighbour Notification

No objections received to the revised scheme, however objections were received from nine households to the initial scheme – see Summary below:

The access road is a single track road with no lighting and limited passing places.

The road is in poor state of repair and the few passing places that do exist are not suited for a coach and/or the extra traffic from the proposed development. The owner has put some tarmac in the large potholes but this is not sufficient.

There are sufficient/suitable grounds within and around the main Cefn Tilla buildings for car parking and coach turning spaces without the further degradation of the countryside.

The music from the Cefn Tilla wedding venue is already audible beyond the site. Additional noise could be generated at the location whilst the visiting guests waiting for onward connections.

There will be an increased light pollution along the road and from the proposed car park at night.

Location is in an elevated position. This parking proposal is out of character in the area, which is agriculture, and it is separate and not located adjacent to the Cefn Tilla venue it is designed to serve.

The additional parking provision will discourage "car sharing" as suggested in the application.

There is concern that this may be another step towards further development and future change of use of the site and storage building.

The site is a conservation area.

The road between Llandenny and Cefn Tilla is a heavy trafficked such as horse riders, cyclists, dog walkers and pedestrians. The use of large buses will be a dangerous to the users.

The proposal may lead to adverse environmental impact such as noise and light pollution and litter.

1 Observation comment received:

It is a narrow single track lane with many blind bends and few passing places. It is poorly maintained by the Council and those passing places that should be available are totally unsuitable for non-farm vehicles, and therefore hardly suitable for coaches.

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 for a new overflow parking area and minibus drop-off/parking area associated with Cefn Tilla Court. There is no specific Development Management policy within the LDP that relates to overflow car parking provision for existing businesses in the open countryside. However, Policy S10 of the Monmouthshire Local Development Plan (LDP) relates to Rural Enterprises, highlighting that development to enable the diversification of the rural economy will be permitted outside settlement development boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptable harm to the surrounding landscape, historic and cultural heritage, biodiversity or local amenity value. Therefore, there is no objection to this application in principle, subject to detailed planning material considerations.

### **6.2 Landscape**

6.2.1 The site is served by an existing, double gated vehicular entrance with no structures, except for the recently approved agricultural barn, which is commonly associated within such landscapes. The Council's Landscape Officer advised that the site is located on a locally prominent ridge of field, hedge, copse, woodland linked by a narrow rural lane from the B4235 in the south to Llandenny road in the north. The un-lit lane is rural in nature and affords panoramic unspoilt views across the Monmouthshire countryside and two distinct landscape character areas in all directions including towards the CADW registered park and essential setting of Cefn Tilla Court. Concerns were raised by Officers with the original submission and the applicant was advised to consider a revised scheme or an alternative location that has less visual intrusion and could complement the offer already provided, subject to heritage and landscape considerations.

6.2.2 A revised scheme on the same location was subsequently submitted for consideration. In visual terms, the revised scheme is further supported by a Landscape and Visual Assessment and a Heritage Setting Assessment. In addition, it has been confirmed that the largest class of vehicle to utilise the site will be 7m minibuses, not coaches as originally proposed.

6.2.3 From a Landscape and GI perspective, the removal of the provision of coach parking is welcomed as is the inclusion of additional tree planting to afford increased integration of the occasional minibus pick up / drop off parking and added value of integrating adjacent structure more effectively into the wider landscape. However, a full landscape planting plan inclusive of establishment and aftercare prescription is required detailing the native species planting of trees and hedges as well as the proposed native species grasses and wildflower mix as indicated in the proposed mitigation measures of the landscape and visual statement, which can be managed by appropriately worded condition. Therefore, there is no objection to this element as the proposal is in accordance with Policy DES1, GI1, LC5, NE1 and S13.



6.2.4 Some neighbours anticipate that the proposal will increase light pollution along the road and from the proposed car park at night. The proposal does not create a new use nor the expansion of the existing; it is for overflow parking generated by existing commercial activities. It is understood that the location as proposed is aiming to preserve the setting of the listed building and the registered garden. The proposed location has already been developed for the construction of an agricultural storage barn for use on the site and with an enhanced landscaping scheme, there is no objection from the Council's Landscape Officer from a Landscape perspective. The site is in the open countryside so a standard lighting condition will be imposed to ensure any new lighting is managed appropriately.

### **6.3 Historic Environment**

6.3.1 A Heritage Setting Statement was submitted by a qualified heritage specialist who concluded that the proposed location would have a neutral impact to the setting of the house and gardens, highlighting that this location does not unbalance the existing status quo of built and natural environment. Also, the proposed works include mitigation in the form of screening via enhanced hedgerows and trees to ensure that intervisibility between the site and the setting of the court is minimal, according with the advice given by the Council's Landscape & Heritage Management Department Officer and Cadw.

### **6.4 Biodiversity**

6.4.1 No tree or hedgerow will be removed. The proposal utilises much of the existing hardstanding area and the two Tree Preservation Order trees will be preserved and integrated into the overflow car parking area. The Council's Tree Officer has no objection to the proposal and recommended that a Root Protection Condition to ensure appropriate measures are in place prior to commencement. The land has always been used for agricultural activities. Therefore, it is considered unlikely that protected and priority species will be present within the area of the proposal.

6.4.2 Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions." It is noted that a mix of both bat and bird boxes are proposed to be installed onto existing TPO trees on the site as a biodiversity enhancement. These are illustrated on the drawing and a standard compliance condition will be imposed accordingly. Therefore, the proposal is in accordance with Policy NE1 of the LDP.

### **6.5 Highways**

6.5.1 There are local concerns in relation to the fact that the access road (Cefn Tilla Road) is single track with no lighting and limited passing places. The road is currently in a poor state of repair with the few passing places that do exist not suited for a coach and/or the extra traffic from the proposed development. Some neighbours noted that the owner of Cefn Tilla Court does repair the large potholes with tarmac but that is not sufficient. In addition, they point out that the road between Llandenny and Cefn Tilla is heavily trafficked with horse riders, cyclists, dog walkers and pedestrians. Therefore, the use of large buses on this road would be a dangerous to the users.

6.5.2 This application has been revised so that the largest class of vehicle to utilise this overflow parking area will be 7m minibuses, not coaches as originally proposed. The Council's Highways Department advised that the applicant has provided further information within a Transport Statement (TS) in response to their initial concerns; the largest class of vehicle to utilise the site will be 7m minibuses, not coaches as originally inferred, thereby lessening their initial concern. An Automatic Traffic Count Survey (ATC) was completed as part of the TS, which shows that on average there are 120 vehicles travelling Cefn Tilla Road per day with 85th percentile speeds of around 30mph, showing the road is lightly trafficked. Evidence also shows that HGVs use Cefn Tilla Road and that there is no history of recorded collisions in relation to the road.

6.5.3 The proposal is for overflow parking generated by existing commercial activities. Any visitors using this area will be shuttled to the main building by way of minibus, and visitors are not expected to walk. They also accept that based on the evidence provided by the ATC that any pedestrians within the short section of public highway between the main site and overflow parking area would not represent an unprecedented impact. Based on the new data and evidence

provided, they no longer raise an objection to the proposal. Therefore, the proposal is in accordance with Policy MV1 of the LDP.

## **6.6 Impact on Amenity**

6.6.1 There is no neighbouring property adjoining the application site. However, there are neighbouring properties approximately 600m north east and 600m south west of the site. Cefn Tilla Court is now used predominantly as a venue for weddings and clay pigeon shooting and this application is for overflow parking generated by existing commercial activities. A neighbour has highlighted that the music from the Cefn Tilla wedding venue is already audible beyond the site. It is suggested that additional noise could be generated at the proposed car parking location whilst the visiting guests wait for onward connections. The land in question is currently used for various agricultural activities and noise from the site and the movement of traffic is to be expected from the existing commercial activities. It is accepted that the proposed overflow car parking provision would generate non-agricultural vehicular traffic movement in and out of the site, including visiting guests waiting for onward connections. However, the proposal is small scale and the proposed use itself (parking provision) is not considered to be a noise generating development. In addition, no concern is raised by the Council's Highways Department in relation to the anticipated traffic movement from the proposal. Therefore, there is no objection in relation to Policy EP1 of the LDP.

6.6.2 In terms of noise pollution from the venue, should the music level from the venue becomes a nuisance, the Council's Environmental Health Department has legal powers to deal with certain noise problems and noise complaints from a variety of activities including commercial sources, which is outside of the planning remit.

## **6.7 Drainage**

6.7.1 This application is related to an overflow car parking provision to serve Cefn Tilla Court. The proposed use would not result in any change to the volume of nutrients from the site and therefore no increase in phosphorus contribution. As such, the proposal is not likely to have a significant effect on the River Usk SAC. Therefore, no further information is requested.

As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The proposed development will require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The requirement to obtain SAB consent sits outside of the planning process. Therefore, the applicant will be advised that in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development.

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

6.8.1 There is no objection from the consultees.

6.8.2 There is no objection received in relation to the latest revised scheme but there were objections from nine households relating to the initial scheme. The relevant objections have been discussed in the Evaluation section of this report and the following section will discuss other objections raised by the neighbours.

6.8.3 There is concern that the additional parking provision will discourage car sharing. This proposal does not create a new use nor the expansion of the existing; it is purely for overflow parking generated by existing commercial activities. Therefore, the result of this application is unlikely to alter the method of travel by the visiting guests.

6.8.4 There are local concerns that this may be another step towards further development and future change of use of the site and storage building. Each application must be treated on its own merits. The scheme as submitted is for an overflow car park and is considered acceptable from the planning perspective.

6.8.5 A neighbour pointed out that the site is a conservation area. The site is not within a conservation area and Cadw and the Council's Heritage Management Department raise no concerns.

6.8.6 A neighbour is worried that the proposal may cause pollution by littering by the visiting guests. The proposed use (a car parking provision) in itself does not generate litter waste. It is the responsibility of the venue to ensure that the site is clean and tidy.

6.8.7 Some of the neighbours point out that there are sufficient/suitable grounds within and around the main Cefn Tilla buildings for additional car parking opportunities, which would minimise further degradation of the open countryside. The applicant considers that the proposed location is best for protecting the setting of the listed building and the registered garden. This application is further justified by a Landscape & Visual Statement and a Heritage Setting Statement, and Cadw and the Council's Heritage Management Department and Landscape Officer raise no concerns.

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

6.9.1 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.

## **6.10 Conclusion**

6.10.1 Based on the latest revised scheme, it is considered that the development proposed would not have a significant detrimental impact on the visual character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic along the public highway. The ecological mitigation and enhancement can be managed via appropriately worded conditions. It is considered that the development would not generate any increased foul water or phosphate disposal. Therefore, the application is considered compliant with the relevant policies of the Local Development Plan and is recommended for approval subject to conditions.

## **7.0 RECOMMENDATION: APPROVE**

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

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

3 No development shall take place until a scheme of protective fencing to protect the two existing TPO trees between the existing agricultural building and the proposed overspill car parking provision has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved scheme. All underground services shall be routed clear of the trees to avoid root damage. No storage of plant or materials, landfill, excavation, burning of materials, cement mix shall be carried out within the approved protective fencing.  
REASON: To protect valuable green infrastructure assets in accordance with Council Policy S13 – Landscape Green Infrastructure and the Natural Environment and Monmouthshire County Council's adopted Climate Emergency.

4 Prior to the commencement of development full and comprehensive details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Detailed scaled plans, showing existing and proposed levels.
- Proposed and existing utilities/services above and below ground.
- Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment, inclusive of SUDS.
- Hard landscape materials to include surfacing, SUDs, fencing.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1, LC1 & LC5 of the Local Development Plan

5 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

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

6 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation inclusive of roles and responsibilities. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

7 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed within the application site (as edged in red on approved plan PP 03) until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

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

## **INFORMATIVES**

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

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

3 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

4 BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection.

5 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.

6 We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development.

7 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage. The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m<sup>2</sup> of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:

SAB@monmouthshire.gov.uk

For advice regarding the application process and general enquiries – 01495 768306

For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

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**Application Number:** DM/2023/01105

**Proposal:** Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels

**Address:** Bushes Farm, Chapel Road, Earlswood, Shirenewton, Monmouthshire

**Applicant:** Mr and Mrs Wells

**Plans:** Location Plan 020 - , Block Plan 021 - Original Block Plan, Other 022 - Original Ground Floor P, Other 023 - Original First Floor Pla, Other 024 - Original Roof Plan, Other 025 - Original N and S Elevation, Other 026 - Original E Elevation, Other 027 - Original W Elevation, Block Plan 031 - Existing Block Plan, Floor Plans - Existing 032 - Existing Ground Floor, Floor Plans - Existing 033 - Existing First Floor, Elevations - Existing 034 - Existing N and S Elevation Elevations - Existing 035 - Existing E Elevation, Elevations - Existing 036 - Existing West Elevation, Block Plan 120 - Proposed Block Plan, Floor Plans - Proposed 121 - Proposed Ground Floor, Floor Plans - Proposed 122 - Proposed First Floor, Proposed Roof Plan 123 - Proposed Roof Plan, Elevations - Proposed 130 - Proposed S Elevation, Elevations - Proposed 131 - Proposed N Elevation, Elevations - Proposed 132 - Proposed W Elevation, Elevations - Proposed 133 - Proposed E Elevation, Design and Access Statement D&A - (Part 1), Design and Access Statement D&A - (Part 2), Design and Access Statement D&A - (Part 3), All Drawings/Plans 134 - Bat Building, Other PLANNING STATEMENT

## **RECOMMENDATION: Refuse**

Case Officer: Ms Kate Young  
Date Valid: 18.09.2023

**This application is presented to Planning Committee at the request of the local member Councillor Louise Brown**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

The site is in open countryside in Earlswood approximately 3km north of Llanfair Discoed and 4 km northwest of Shirenewton. The application site is on the western side of Chapel Road just to the north of Bushes Farm Bungalow. There is an existing access track off the road. Within the site, at the time of the officers' site visit 19/09/23, there were several outbuildings of metal sheeting in a poor state of repair, an unoccupied mobile home, a half-built block structure and a stock pile of natural stone some of which had been used to face the block structure. The land on the site slopes up steeply from south to north and part of the site has recently been excavated to a depth of approximately 3 metres.

### 1.2 Planning History

There was a stone built farmhouse on the site as evidenced by maps of 1882. In 1975 permission was granted for a replacement farmhouse on the site, now known as Bushes Bungalow which is immediately to the south of the application site. Bushes Bungalow was the subject of an agricultural worker's occupancy tie. It was a condition of that approval in 1975 that the existing farm house be demolished or used for agricultural storage. As part of a previous application in 2018 the applicant confirmed that the former farmhouse had been used for agricultural storage.

The permission and implementation has as a result changed its last lawful use to agricultural storage.

In 2018 planning application (DM/2018/00128) was submitted for the Rehabilitation of farmhouse to dwelling with detached new double garage. That application was considered under Policy H4 of the LDP, Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use. It was clear at that time that the building was redundant and uninhabitable. A structural appraisal was submitted with the application which outlined the level of new build and repair that would be required. It stated that generally the existing walls were straight and free from major cracking. It identified that 3.5 square metres of the front elevation, 3 square metres of the east elevation, 12 square metres of the rear elevation and 3 square metres of the west elevation would have to be rebuilt. There would also have to be some minor repair work to the walls and re-pointing would be needed throughout.

The planning permission for the rehabilitation of the farmhouse DM/2018/00128 was approved in August 2018 and the following condition was attached.

*No part of any wall of the existing building other than shown on the approved plans is to be demolished .*

*REASON: This conversion is granted having regard to the Council's policies which relate to the conversion of redundant buildings in the countryside and the information supplied with the application. If substantial demolition and rebuilding are necessary the development may be beyond that which has been permitted.*

In September 2022 it became apparent that the building which was the subject of application DM/2018/00128 was no longer standing; on further investigation it appears that none of the original structure remains.

The applicant was advised to stop work on site relating to the new build structure on the footprint of the former building.

### 1.3 Proposal Description

The application form submitted on behalf of the applicant by Stantec describes the proposal as

"Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels'

This is not considered to be the case as the building to which the previous application relates is no longer standing - it was completely lost in September 2022. Case Law states that the local planning authority (LPA) has to consider the description of proposal as submitted by the applicant even if the LPA knows this description to be incorrect. The application is therefore considered on its own merits with the above development description.

The current application relates to the erection of a new five-bedroom dwelling in the open countryside, the erection of a bat house and alterations to ground levels. The curtilage of building would be extended into the agricultural field to the north. The new dwelling would have a linear form, being mainly two storey with a single storey flat roof element to the west and a car port to the east. It would occupy roughly the same footprint as the former farmhouse. The blockwork would be faced with the natural stone recovered from the site with some areas of charred timber cladding and the roof would be of pantiles.

A Design and Access Statement, Planning Statement, Tree Survey and Bat Survey were all submitted in support of the application.



## 2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01222	Conversion of stone barn to dwelling, with detached new double garage	Approved	27.11.2018
DM/2020/00881	Removal of condition 1 from planning consent 2314 (Date of Decision: 01/09/1975):- Occupation of the proposed bungalow shall be limited to a person employed or last employed wholly or mainly locally in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or a dependent of such person residing with him.	Approved	05.03.2021
DM/2023/01105	Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels.	Pending Determination	
DM/2023/01127	Discharge of conditions 6, 8 and 9 relating to planning DM/2018/01222. (Bat roost monitoring scheme, construction method statement and landscape scheme).	Approved	13.10.2023

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

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

### Development Management Policies

SD2 LDP Sustainable Construction and Energy Efficiency  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations  
DES1 LDP General Design Considerations

### Supplementary Planning Guidance

Conversion of Agricultural Buildings Design Guide SPG April 2015:

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

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

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

Affordable Housing SPG July 2019:

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

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

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

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

#### **Shirenewton Community Council**

SCC does not object to this application but if MCC is minded to grant consent then SCC request the following conditions :

1. The like conditions as were set out in the DC/2018/00128 consent, and in particular that the development be carried out strictly in accordance with the submitted plans and specifications

2. That work be limited to normal working hours on weekdays and none on Sundays or public holidays."

### **Natural Resources Wales (NRW)**

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents submitted with the application are included in the approved plans and documents conditioned on the decision notice:

We have reviewed the above documents. We note that a day roost of lesser horseshoe bats was found to be present on site during surveys undertaken in 2017 and 2022. Permanent mitigation for the loss of the roost is proposed in the form of a purpose-built bat house constructed of double rendered block with a slate roof. On the basis of the information in the documents named above, we 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 their natural range, provided that the measures stipulated in the above documents are adhered to. A European Protected Species (EPS) licence may be required for this development. Our records indicate there is a watercourse within 10m of the proposed development site, and Castrogi Brook is within 49m of the proposed development site. Appropriate pollution prevention measures must be employed to protect the water quality during construction.

### **Lead Local Flood Authority and SuDS Approval Body - Holding Objection**

The application has not demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). Without a suitable surface water destination the site may not be lawfully developable. Please provide evidence of a suitable surface water destination. Flood risk maps provided by Natural Resources Wales indicate the area to be at no particular risk of flooding from any source. Our database of previous flood events does not record any flood events in close proximity to the site.

### **MCC Ecology - No Objection subject to conditions.**

- Bats - A survey undertaken in 2016 and 2022 confirmed the structure supported a bat roost of up to 8 lesser horseshoe bats. Since the loss of the building, and roof structure these habitats have been lost. An updated survey submitted as part of this application shows no evidence of bats. Mitigation includes a new purpose built bat house therefore there are no objections.
- Protected sites – SINC to the north, the curtilage will extend into the SINC but the building is outside. An ecological management plan should be submitted that details the long term management of the grassland habitat (SINC)
- Badgers- the proximity of the known badger sett to the proposed works means that a CEMP should detail precautionary measures for protection during works.
- Birds – Precautionary measures for their protection should be included in the CEMP.
- Reptiles - Precautionary measures for their protection should be included in the CEMP
- Net Benefit – specifications set out in Section 10.0 of the Updated Bat Survey report drawing 134 are considered acceptable mitigation and enhancement measures.

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

The application proposes no amendments that directly or indirectly affect the existing means of access or the adjacent public highway.

### **Landscape GI Officer - Holding Objection**

It is noted that the proposed amendments in this application do not appear to address an alteration to the main building ridgelines. Approved plan BP2549/01 REV A Proposed ground floor plans and elevations indicates that the 'central' section of the renovated farmhouse was to have the highest ridgeline and the east and west elevations of the building to be subservient. The current proposals appear to indicate as viewed from the south and indicated on plan ref: 131 that the east ridgeline is significantly higher than the central ridge and west ridgeline is elevated to meet the central ridge. This does not reflect the approved plans and the underlying character of the farmhouse as originally conceived or as one of the proposed amendments. Further clarity would be welcome.

It is also noted that windows and doors as shown on the proposed southern elevation drawing ref: 131 have different shapes sizes and alignments inclusive of the cat slide dormer to that of the

originally approved plans. It is understood that the current application is for proposed amendments to previous planning permission ref: DC/2018/00128 however these items do not appear to be included. Further clarity with regard to all the alterations would be welcome. The original approved application DAS indicated that the design was to preserve the character and appearance of the building.

The rear extension(s) are indicated as being subservient to the approved plans and set into the rising land to the rear of the proposed development. It is considered that the size and extent of glazed elevation as indicated in plan ref: 131 impacts on the character of the roofscape as well as the arrangement of integration with the eastern roof section of the main building. The approved plans re DC/2018/00128 retained the roof pitch and definition of the three-ridge level tiled sections of roof and building as shown on the north elevation equally reflected on the south elevation of the approved and recent proposed plans. The current proposal impacts on the character of the roofscape as viewed from the north and further concerns are raised with regard to the additional light spill into the field setting which does not appear to have been addressed in the information provided. The proposed side extension is a departure from the original building line however the single storey height return stone wall partially screens the glazed extension as viewed from the southeast and approach to the main building retains the intrinsic farm house character. The proposed green roof as articulated in fig 29 and 30 of the DAS will further help to integrate structure as viewed from any higher elevation such as chapel road. There is a concern regarding the extent of glazing associated with proposed side extension and potential light spill into what is a relatively dark skies location and there may be a cumulative impact with a rear extension glazed section. Further clarity with regard to lighting and light spill relating to the side extension to include mitigation measures would be welcome.

The proposed dedicated bat building to be located to the west of the main site within the ownership boundary Based on the information provided and visual in fig 35 of the DAS whereby materials are natural in appearance and recessive in colour and the structure located near woodland edge setting the proposal would be acceptable from a Landscape and GI perspective.

A revised landscape plan to accompany this application would be welcome to demonstrate the proposed layout and include mitigation for the loss and impact of development on existing trees, this could be in the form of additional tree planting within the site. From a policy perspective LC5 Protection and Enhancement of landscape character highlights that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects. It is considered that the proposed scheme may be acceptable from a Landscape and GI visual impact and character perspective.

Following clarification of the development description, the Authority's Landscape Officer has provided additional comments dated 13.11.2023 as follows:

Your email has usefully highlighted the recent history of the site in terms of the complete removal of the original structure and that from a planning perspective the site should be considered as having no existing built structure from which to convert from. My site visit indicated structure above ground so the previous complete removal would not have been apparent to me during my visit.

However, if this is the case it would appear that the application should be considered with reference to LDP policy LC1 New Residential Dwelling in the Open Countryside. The policy highlights that there is a presumption against new built development in the open countryside unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 and then set against certain criteria such as for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism. A proposal for a new residential dwelling in the open countryside therefore would not be consistent with current policy.

The response of 06.10.2023 provided from a Landscape and GI perspective was based on the application DM/2023/01105 description, supporting application information, desk top research and a site visit from publicly accessible areas i.e. the highway and entrance areas to the site. In light of

the new information provided by yourself, as the case officer for the application, there is an objection to the application from a Landscape and GI perspective for the following reason: The status and description of the application is not clear based on all the information provided. Further clarity would be welcome by the applicant to provide an appropriate description against which to comment. This may require a re-submission.

### **MCC Building Control**

Following our meeting, this morning, at Bushes Farmhouse, Earlswood, NP16 6RH, I would like to confirm that we have received an initial notice from a Private Building Inspector for the work at the farmhouse - the notice is detailed as " Refurbishment of dilapidated Farmhouse Bungalow " and was received in July 2022.

Regarding the question of whether the structure is original; from a brief look at the building this morning, it would be my opinion, that the structure is not original and has been rebuilt relatively recently. There appears to be a new, insulated blockwork cavity wall, which has been subject to external stone cladding, which, I would guess, is probably the original stone from the demolition of the original structure. There are a few points that indicate this could be the case, namely, there is new solid concrete blockwork visible below the stone cladding, suggesting that the foundations and substructure have been subject to replacement or remedial work. Also the pointing appears not be original, along with the stonework itself being in generally good condition, being plumb and true, without any signs of movement, cracking or other signs of deterioration, that I would expect to see on a stone structure of that age. There is also lime run off (calcium carbonate) visible in some areas, which I would not expect to see on a very old original stone structure, and would be far more consistent with a recent construction.

I would not be able to confirm if the original foundations have been removed without an excavation to look at the position of the foundation, but I would say that, firstly, depending on the age, it is likely that the original stone farmhouse did not have a conventional foundation and could have been built either off larger stone or in fact on the clay ground. Secondly, as mentioned above, there is modern concrete blockwork visible below the stone cladding, suggesting that a new foundation and substructure has been constructed.

Therefore, in my opinion, there is not any element of the structure that is original.

### 5.2 Neighbour Notification

Letters received from two addresses

The proposed bat house is not in mitigation for the development of the agricultural building as that has been demolished, instead this is an attempt at compensation somewhere else. The proposed large bat building could adversely affect other existing habitats and create yet another building in the open countryside. The siting of the bat building is not suitable. In 1975 there were only two buildings at that location and now there will be five - and an unauthorised sixth is underway - together with a doubling of domestic curtilage, yet throughout that period to the present day MCC's consistent policy at that site has been to protect the open countryside from scattered new developments. Half of the new buildings are for dedicated bat use. It is a policy nonsense. Increase in the size of the residential curtilage.

The application relates to replacement of the original structure with a new build in open countryside. Excavation of the ground around the back of the original building and construction of a bund adjacent to the site boundary.

Concerns also relate to;

Disturbance of the bat colony that previously occupied the structure.

Burial of a badger sett

Excavation, pouring of foundations and laying of bricks for a new outbuilding/garage

Enlargement of a remote existing gateway

Construction of a new access road across an area designated as a SINC.

Use of materials in the construction of new access road that could lead to potentially harmful runoff flowing across the SINC  
Damage to third party mature oak tree  
Location a mobile home on the site.

### 5.3 Other Representations

None received

### 5.4 Local Member Representations

Councillor Louise Brown

The applicant has requested that the application be considered by the planning committee and in view of there being supportive comments on line from the community council and also objections from members of the public, it would be helpful if the planning committee were able to fully consider this application together with any relevant planning policies.

It would also be helpful if further information could be provided on the surface water drainage and sewerage treatment details and location, where the culverts are located, as well as the further information requested by the Landscape team, prior to this being considered by the planning committee.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

## **6.0 EVALUATION**

### **6.1 Principle of Development**

The application as submitted is for "Proposed amendments to previous planning permission ref: DC/2018/00128 to incorporate minor amendments to approved alterations including a side and rear extension, amended bat provision and alteration of ground levels". However officers remain of the view that application DM/2018/00128 for the rehabilitation of the farm house cannot be implemented since the proposed dwelling was allowed under Policy H4 of the LDP which relates to the conversion/rehabilitation of buildings in the open countryside to residential use. As the former farmhouse was demolished in September 2022, there is no existing building on the site that could be converted to residential use. The current application therefore relates to a new dwelling in the open countryside and is evaluated as such.

### **6.2 Policy Considerations**

The application seeks the building of a new dwelling in the open countryside outside of any development boundary. Policy S1 of the LDP states that in the open countryside the only new dwellings allowed are conversion of rural buildings under policy H4 of the plan, subdivisions and dwellings associated with rural enterprise. The building, subject to this application has been constructed in the last 12 months following the loss of the previous building. Therefore, the building cannot be considered as a conversion, the application therefore cannot be considered under policy H4 of the LDP. The proposal does not relate to the subdivision of an existing dwelling and the applicants have supplied no evidence that the new dwelling is required in association with a rural enterprise.

Paragraph 4.2.24 of PPW11 states that *"In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area."*

In this case the proposed new dwelling would be outside of any development boundary and is therefore considered to be in open countryside. The site of the dwelling itself is not visually prominent although the location of the residential curtilage on a former agricultural field in an

elevated position is prominent. The proposed new dwelling and the curtilage, with the inevitable residential paraphernalia, would have a detrimental impact on the rural character of the area.

The principle of constructing a new dwelling within the open countryside is unacceptable and would be contrary to National and Local Planning Policies which are in place to protect the rural character of the area. Isolated new houses in the open countryside require special justification and no such evidence has been supplied to suggest there are any exceptional circumstances; therefore the proposal is considered to be contrary to policy S1 the LDP.

The application does not include any robust supporting evidence to suggest why the proposed new build dwelling in the open countryside is justified. New dwellings in the open countryside are only permitted in exceptional circumstances. There is no justification to deviate from national and local planning policies which clearly outline that there is a presumption against new built development in the open countryside. The construction of the new build dwelling is not justified for the purposes of agriculture or forestry and is therefore contrary to the guidance within Planning Policy Wales, Technical Advice Note 6 and Policy LC1 of the LDP. Policy LC1 of the LDP says there is a presumption against new built development in the open countryside unless it is required for rural enterprise, agriculture or tourism and even then it is subject to strict criteria. The principle of constructing a new dwelling within the open countryside is unacceptable and would be contrary to National and Local Planning Policies. Paragraph 3.6 of PPW11 says that Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. This is to protect the rural character of the area. Isolated new houses in the open countryside require special justification. There is no justification to deviate from national and local planning policies which clearly outline that there is a presumption against new built development in the open countryside.

Policy LC1 of the LDP presumes against new built development in the open countryside. It is recognised that there may be exceptional circumstances where new built development may be acceptable in the open countryside for the purposes of agriculture, forestry, farm and rural diversification/ enterprise and recreation, leisure and tourism, as justified under national policy and/ or policies S10, RE3, RE4, RE5, RE6, T2 and T3 of the LDP. However in this case there are no exceptional circumstances and the proposal is contrary to Policy LC1 of the LDP.

### **6.3 Sustainability**

The Local Development Plan and PPW encourages sustainable development. The location of the site is not sustainable given that the residents of the new dwelling would be reliant on a car to access all facilities. The new dwelling at Bushes Farmhouse adopts a range of passive design strategies. The modern construction methods will represent a significant step change in the thermal efficiency, the use of carefully selected and durable materials will create a building envelope that has low embodied CO2 in its composition and helps to create natural habitats for flora and fauna. The design will incorporate a series of measures to increase its thermal performance, which have been facilitated by the new construction. Reduced Energy and CO2 emissions such as high performance insulation combined with a high degree of airtightness being integrated into the proposed extension design and construction including, the use of renewable and FSC traceable materials within the construction, A-rated efficiency windows offering optimal levels of ventilation and natural daylight within the extension, a ground source heat pump together with underfloor heating, Low energy internal lighting. In addition a waste management methodology includes design strategies that provide on-site waste separation enabling recycling and storage for scheduled collection. Dedicated bin stores located in the utility room will facilitate this.

The fact that the new dwelling will be energy efficient is not sufficient justification for allowing a new dwelling in the open countryside in an unsustainable location.

### **6.4 Good Design**

Policy DES1 of the LDP requires that the development contribute to a sense of place while its intensity is compatible with existing uses. In this case the design of the new dwelling is broadly

acceptable, it is the principle of a new dwelling that contrary to policy. The proposal involves significantly increasing the size of the curtilage by over 100% over and above that which was approved under the previous conversion DM/2018/00128. The encroachment of the residential curtilage, especially into the agricultural field which has been designated as a SINC, to the north that occupies an elevated position, will have a harmful impact on the rural character of the area.

## **6.5 Landscape**

Policy LC1 says there is a presumption against new built development in the open countryside unless it can be justified under national planning policies and/or policies S10, RE3, RE4, RE5 RE6, T2 or T3. There is no such justification in this case. Policy LC5 of the LDP seeks the protection and enhancement of the landscape character. The MCC Landscape an GI officer has provided comments based on the development description, and raises some concerns over the details of the design when compared to the previous approval.

When considering the application as a new build dwelling, it is not visually prominent being set at a low level and surrounded by mature trees. A newly constructed house would look different from a converted one in that all the building lines would be straight however given that the dwelling is to be clad in the original stone this visual difference would be minor. The current proposal also involves a significant level of excavation to the north of the property into the agricultural field to the rear and that the extensive residential curtilage would include elevated land would have an impact on the landscape. Increasing the intensification of the site and potential for domestic paraphernalia to extended into the surrounding field. The overall impact might not be significantly harmful in isolation, but to refer back to Paragraph 4.2.24 of PPW11 one dwelling might not be significant, but an accumulation of such will have a significantly detrimental impact on the special character of the wider landscape.

## **6.6 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.

Bats were present on site as identified in the surveys of 2018 and 2022. However the habitats have since been lost, mitigation has been sought in the form of a separate bat house linked by the green (tree) corridor. This has been assessed and considered by the Authorities Ecology Officer who has confirmed that this is acceptable mitigation. Appropriate mitigation has also been provided for badgers. In addition measures for the protection of the SINC and ongoing management of birds and reptiles have been provided as well as suitable enhancements.

By way of enhancement the applicant is providing 2 Beaumaris woodstone bat boxes installed into trees to the North East and 2 Schwegler bird boxes installed in trees to the North. The Bat Survey Report has also indicated that there will be additional planting on the site. These enhancements are appropriate and proportional for the proposal and will provide ecological net benefit on the site as required by the Environment (Wales) Act 2016 and Planning Policy Wales Edition 11 and policy NE1 of the LDP. The Authority's Ecology officer has suggested suitable conditions to ensure compliance and longer term maintenance.

## **6.7 Impact on Amenity**

There are two residential properties close to this site. Bushes Bungalow which is approximately 35 metres to the south east. The garden area of Bushes Bungalow abuts the access drive into the application site. There is also a stone barn approximately 66 metres to the south of the application site that has planning permission for conversion to a residential unit. The new dwelling proposed for this site will not have a significant adverse impact on the privacy, amenity and health of the occupiers of neighbouring properties and therefore accords with the objectives of policies DES1 and EP1 of the LDP.



## **6.8 Highways**

### 6.8.1 Sustainable Transport Hierarchy

PPW 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 proposed dwelling will not be sited in a sustainable location, it is a long way from and defined settlements or facilities. The settlement of Earlswood does have a community facility in the form of a village hall but not a primary school as suggested in the submitted planning statement. The closest Primary school is in Shirenewton. There is a bus stop on the main B-road about 1 km from the site the bus, which runs four times a day, provides access to Chepstow, via Shirenewton, and Cwmbran. The location is not considered sustainable for a new build residential unit.

### 6.8.2 Access / Highway Safety

The site has the benefit of an existing vehicular access into the site. The application proposes no amendments that directly or indirectly affect the existing means of access or the adjacent public highway.

### 6.8.3 Parking

The adopted Monmouthshire Parking standards require one off street parking space per bedroom up to a maximum of three for residential properties. In this case sufficient car parking provision can be accommodated within the site and therefore the proposal accords with Policy MV1 of the LDP.

## 6.9 Affordable Housing

LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in a net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, 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). In this case the internal floor area of the new dwelling is 120 square meters. Therefore, the financial contribution for affordable housing would be

$$314 \times 35 \times 0.58 = \text{£}6,374.20.$$

## **6.10 Flooding**

The site is not in a designated flood zone identified in the DAM Maps of TAN 15.

## **6.11 Drainage**

### 6.11.1 Foul Drainage

The proposed Block Plan Drawing no. 120 shows the position of a package treatment plant. No details of the treatment plant have been included with the submission. 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.

### 6.11.2 Surface Water Drainage

Surface water will be disposed of via a sustainable drainage system. As the total construction area is above 100m<sup>2</sup> SAB approval will be required.

The application has not demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). Without a suitable surface water destination the site may not be lawfully developable.

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

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

## **7.0 Conclusion**

Despite the development description the Local Planning Authority considers the application to be for a new build dwelling in the open countryside. The former building, to be converted has been lost, the building that is part of this application has been in part constructed, therefore this application is retrospectively seeking permission for a new build residential unit. National and Local Policy have for considerable time sought to restrict new build development in the open countryside except in very special circumstances. In this case there are no extenuating circumstances as to why the newly constructed dwelling (albeit not completed) should be granted permission against this longstanding policy. It is therefore considered that the principle of the development is contrary to Planning Policy Wales, Technical Advice Note 6 and LDP policies S1, LC1 and LC5.

## **8.0 RECOMMENDATION: Refuse**

1 Notwithstanding the description of the proposal on the application form, the application relates to the erection of a new dwelling in the open countryside without justification. This is contrary to Policy S1 of the Monmouthshire Local Development Plan and to national planning policy and guidance within Planning Policy Wales and Technical Advice Note 6.

2 This proposal would result in a new dwelling being located within the open countryside without justification. The proposed residential dwelling with the associated curtilage, driveway and parking area would significantly adversely affect the open rural character of the area. The residential curtilage would extend into a former agricultural field which has been designated as a Site of Interest for Nature Conservation (SINC). The change of use of this elevated land and the inevitable domestic paraphernalia would be detrimental to the rural character of the area and would be contrary to policies LC1 and LC5 of the LDP.

3. The development fails to secure an affordable housing contribution in line with LDP Policy S4 and MCC adopted Affordable Housing SPG July 2019.

**Application Number:** DM/2023/01259

**Proposal:** Change of use from A1 retail unit to mixed use - D2 (part) soft play and skate park, D1 community hub as well as the original A1 use

**Address:** Core Shop - Caldicot Town Team, 43 Newport Road, Caldicot, NP26 4BG

**Applicant:** Aaron Weeks (Caldicot Town Team)

**Plans:** Floor Plans - Existing P01 (V2) - , Location Plan

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Young

Date Valid: 20.09.2023

**This application is presented to Planning Committee at the request of the local member Councillor Maria Stevens**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

No 43 Newport Road is a three-storey building which fronts onto the pedestrian part of Newport Road in Caldicot, it has an A1 retail use and is a primary shopping frontage within the defined Central Shopping Area of Caldicot. There is a pedestrian access at the rear that gives access to a car park. The building is finished in brick and render and has a modern appearance. The first and second floors are used as residential accommodation.

### 1.2 Proposal Description

This full application seeks a change of use of the ground floor of the building from A1 to a mixed use D2 play area and skate park, D1 community Hub and A1 use. There would be no external alterations to the building.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2023/01259	Change of use from A1 retail unit to mixed use - D2 (part) soft play and skate park, D1 community hub as well as the original A1 use.	Pending Determination	
DC/2006/01403	Proposed installation of a new shop front	Approved	14.02.2007

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S5 LDP Community and Recreation Facilities  
S6 LDP Retail Hierarchy  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### **Development Management Policies**

RET1 LDP Primary Shopping Frontages  
RET2 LDP Central Shopping Areas  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations

### **Supplementary Planning Guidance**

Primary Shopping Frontages Supplementary Planning Guidance April 2016:  
[http://www.monmouthshire.gov.uk/app/uploads/2016/05/Primary-Shopping-Frontages-SPG-April\[1\]2016-with-footer.pdf](http://www.monmouthshire.gov.uk/app/uploads/2016/05/Primary-Shopping-Frontages-SPG-April[1]2016-with-footer.pdf)

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

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - the national plan 2040**

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

### **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

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

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Caldicot Town Council** - recommend Refusal.  
Further detail needed in planning application  
Installation of skate park - occupiers liability, first aid provision  
Lack of detail in drawings  
Entrance/exit appears small  
Clarity required for purpose/content of tanks on drawing

Health and Safety of storage and facilities for public use (hand wash, kitchen, toilets).

### **Environmental Health (Commercial Team) - No objection**

Should there be a change of use at the premises, as per DM/2023/01259, Environmental Health (Commercial Team) would represent the enforcing authority for matters associated with the regulation of food hygiene, safety & standards, and workplace health & safety. The premises would be subject to routine inspection on this basis.

In relation to noise, EH have reviewed the information submitted and have carried out a site visit, it is considered that they are not in a position to substantiate an objection.

### **South Wales Fire Service**

The main thing from the fire service is that this is done in accordance with UK legislation and is also captured in the Premises Risk Assessment. I believe there is living accommodation above, so I have copied in Justin Harris who is Business Fire Safety Officer for the station as well as Andy Luff the Station Commander for this area. I have also added some additional information regarding the disposal of lithium batteries.

### **MCC Building Control**

This will need a Building Regulations Application because it is classified as a material alteration. Main considerations here are Fire Safety and Access to and use of a building which will include provision of a disabled (accessible) WC. Formal consultation with the Fire Service will be needed with an application. Unfortunately there is not enough information that has been submitted with this application to make any substantive comments. In order to comment further I would require existing floor plan and proposed floor plan layouts. The plans should indicate all fire safety measures such as fire doors, escape routes, locations of smoke alarm and detection, fire alarm panel, emergency lighting, intended occupancy of the building etc. Also details to be provided for an accessible WC and toilet facilities for the intended occupancy.

### 5.2 Neighbour Notification

An objection was raised addressing concerns such as:  
Potential for this use to increase anti-social behaviour.

### 5.3 Other Representations

None Received

### 5.4 Local Member Representations

Councillor Maria Stevens – Objects.

There seems to be just 2 quite small entry/exit doors at the front of the property, considering the size of the premises/retail space.

Fire regulations? Not enough fire exits at the rear of the building/ accessible fire exits.

Tanks? What are they for and what will be stored in them?

Storage Areas? what will be stored in them?

Kitchen safety issues within an enclosed area.

Hygiene certification would need to be in place and will it be accessible to the public or staff for use.

Toilet facilities and use of. Will they be for public use?

Not enough rear access, it is too enclosed.

I request that this Planning Application be put through the full MCC Planning process.

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 application relates to a property in a primary shopping frontage within a central shopping area and therefore it falls to be considered under policies RET1 and RET2 of the LDP. Policy RET1 sets out that on the ground floor of properties within the Primary Shopping Frontage uses should be A1, A2 or A3. The proposal is to use the premises as a mixed use with the majority of the floor area being used for A1 and a small area to the back being used for the D1 uses.

PPW states in paragraph 4.3.1 that "*Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities.*" The advice goes on to say that '*although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.*' The advice continues by saying that '*Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening.*'

In this case the majority of the ground floor will remain as an A1 retail use; it is just the two areas at the back of the premises that will be changed to D2. Welsh Government advice encourages such uses in town centres. The two play areas, will enhance the vitality and viability of the town centre by encouraging footfall as they are destination uses, meaning that people have to visit to experience them. The site is very accessible and in a sustainable location so such uses should be encouraged as bringing people into the town centre who are then likely to utilise the other facilities within the town centre.

Policy RET1 of the adopted LDP states that on the ground floor of properties within the Primary Shopping Frontage uses should be A1, A2 or A3. The children's play area and skate ramps are a D2 Assembly and Leisure Use. Policy RET1 does make exceptions where it can be demonstrated that the proposed use would not harm the vitality of the street frontage, and where premises have been vacant for at least 2 years where genuine attempts at marketing the existing use have been unsuccessful.

In this case the D uses are not replacing the A1 use but are complementary to it at the rear of the property maintaining an active retail frontage to the property to Newport Road. The nature of town centres is changing, following both the banking crisis and the Covid Pandemic. Caldicot Town Centre has been particularly badly hit and there are several vacant retail units within the central shopping area. LDP Policy does not really reflect the changing economic climate and planning officers consider that a more flexible approach should be taken in line with more recent Welsh Government advice to help promote the vitality and viability of the Town Centre.

Caldicot Town Team, with the support of MCC, is trying to lead this approach by introducing working from home stations and hubs within the town centre. Given the change of use relates to a small proportion of the building, retaining the majority of the floor space for A retail uses it is not considered that the requirement for active 2 years of marketing is necessary. In addition, this would also delay the potential use of the rear of the building in providing a function that would encourage people to use the town centre.

The majority of the unit will be retained for retail purposes, and this would be secured via a condition, a small area of the building being utilised for alternative D1. The proposal accords with the more recent advice given in PPW and with the objectives behind the policy RET1 and that is to protect the vitality and viability of the town centre by increasing footfall. This type of use should be encouraged in town centres and the majority of the unit would be retained for retail purposes. It is also noted that the loss of the rear of the unit from retail use would not adversely affect the overall availability of retail space within the town centre. It is considered to provide a complementary and not competitive use.

## 6.2 Sustainability

The LDP and PPW encourages sustainable development with less reliance on car borne journeys. This site is located within a very sustainable location with most people using the facilities able to walk to the unit from the adjoining residential areas. People visiting the premises may combine their trips with visits to other local shops. No 43 Newport Road is considered a sustainable location for community facilities/ leisure activities and accords with one of the key objective of PPW providing development in a sustainable location.

### 6.3 Good Design and Place Making

There are no external alterations proposed by this application for a change of use.

### **6.4 Impact on Amenity**

Policy EP1 requires all development proposals to have regard to the privacy, amenity and health of occupiers of neighbouring properties. To the south west of the site is Caldicot Methodist Church, to the north east is a retail unit. Both 41 and 43 Newport Road have residential accommodation at first floor level. The addition of a soft play element in the rear of the building will not impact on residential amenity especially as there are no windows in this part of the building. The skateboard ramps are at the very back of the property and access via a door at the rear. It is intended that the ramps will be available for use in the evenings but that the activity will be supervised by an adult at all times. There will be some noise generated by users of the ramps but as the ramps are at the rear of the flat roofed part of the building approximately 40 metres from the residential flats, this will not have a significant adverse effect. This is a town centre location where there is already a high level of background noise. This has been confirmed by the Environmental Health Officer who has reviewed the information and carried out a site visit. A condition can be imposed limiting the hours of operation.

The proposed change of use will not cause an unacceptable harm to local amenity, health or character of the area, it does have regard to the privacy, amenity and health of the occupiers of the neighbouring residential flats and therefore accords with the objectives of Policy EP1 of the LDP.

### **6.5 Highways**

The change of use of part of the buildings to D2 use and its use as a community hub should not generate any significant additional traffic movements. This is a town centre accessible by pedestrians. The site is also adjacent to a public car park.

### **6.6 Landscape and 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). In this case the scale of the development is small, however proportionate ecological enhancement is achievable and so a condition to secure this is proposed.

### **6.7 Flooding**

The site is not in a designated flood zone identified in the DAM maps of TAN 15. The Flood Maps for Planning in the emerging TAN shows this site along with the rest of Caldicot Town Centre to be in a Zone 3 for flooding by sea.

### **6.8 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.

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

The town council and local member have both said that the entrance and exit doors into the building are too small. The property has operated as an A1 retail unit for many years without any known problems. The size of the doors is an operational matter and not a material consideration concerning the planning application or a reason to refuse the proposals.

The tank at the rear of the building next to the toilets is existing and likely to be a water tank.

The town council and local member also refer to health and safety issues with regards to hand washing and toilets; this is not a material consideration but it is covered by other legislation. Environmental Health Officers (Commercial Team) would represent the enforcing authority for matters associated with the regulation of food hygiene, safety standards, and workplace health & safety. The premises would be subject to routine inspection on this basis. There is no A3 Hot Food use at the site. Inside the shop there is a table containing a kettle and mugs for people to make cups of tea and coffee for themselves.

The local member is concerned that the building does not meet fire regulations, again this is not a material planning consideration, although the South Wales Fire Service was contacted by our Environmental Health Officers. The local member is also concerned about what will be stored in the building - this is not relevant to the planning application

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

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

## **6.11 Conclusion**

6.11.1 The application relates to the change of use of the rear of the existing retail unit, incorporating a small proportion of the overall available floor space. Despite not being in strict compliance with the adopted LDP policy, this application does relate to a small proportion of the unit and not the whole. The majority of retail space facing the main shopping street will be retained. In line with Planning Policy Wales, the planning authority is committed to protecting its town centres and encouraging uses that are considered to be complementary and contribute to their economic vitality and vibrancy. It is considered that on balance the change of use of the rear of the building will not have a detrimental effect on the provision of retail space in the town centre and therefore is considered acceptable.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

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

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



2 The skateboard ramps shall not be used for the approved purposes outside the following times 09:00 to 20:00 on any day.

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

3 The D2 Uses shall only take place in the areas shown on The Ground Floor Plan P01 V2 and in no other parts of the building. 560 sqm of retail space shall be retained for A1 use and not used for any D use.

REASON: To ensure that the principle use of the building remains as a A1 use to protect the vitality of the Town Centre in line with policies RET1 and RET2 of the LDP

4 Prior to the commencement of development a scheme of ecological enhancement to provide net benefit to biodiversity is submitted to and approved in writing by the local planning authority. This shall include full details of the location and specification of ecological enhancements and the timing of their inclusion. The details shall then be implemented as approved within a timescale to be agreed and shall be retained in perpetuity.

REASON: To provide ecological net benefit on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1

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