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County Hall
Rhadyr
Usk
NP15 1GA

Friday 26th August 2016

Notice of meeting:

Planning Committee

Tuesday, 6th September, 2016 at 2.00 pm,
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

AGENDA

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1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 8
4.	To consider the following Planning Application reports from the Chief Officer - Enterprise:	
4.1.	APPLICATION DC/2015/00606 - RESIDENTIAL DEVELOPMENT OF ALLOCATION SITE SAH11 (XII) TO PROVIDE 10 DWELLINGS (INCLUDING 60% AFFORDABLE). LAND TO THE SOUTH WEST OF PENALLT, MONMOUTH, NP25 4SB.	9 - 22
4.2.	APPLICATION DC/2015/00938 - DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE. ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE. RELOCATION OF EXISTING VEHICULAR ACCESS. ORCHARD HOUSE, LLANBADOC, USK.	23 - 28
4.3.	APPLICATION DC/2015/01389 - OUTLINE APPLICATION FOR RETAIL DEVELOPMENT AND PUBLIC HOUSE ON LAND WHICH IS CURRENTLY BEING USED AS THE CARPARK FOR THE MITEL BUILDING. CASTLEGATE BUSINESS PARK, CALDICOT.	29 - 46
4.4.	APPLICATION DC/2016/00634 - CHANGE OF USE FROM RESIDENTIAL DWELLING TO PRIVATE DAY CARE NURSERY. TALYBONT COTTAGE, LLANELLEN ROAD, LLANFOIST.	47 - 52

4.5.	APPLICATION DC/2016/00803 - STABLES FOR FOUR HORSES. RED HOUSE FARM, ROCKFIELD, MONMOUTH.	53 - 54
4.6.	APPLICATION DC/2016/00804 - ERECTION OF A TWO STOREY, DETACHED HOUSE WITH ASSOCIATED CAR PARKING IN PART OF THE GARDEN. 17 BULWARK AVENUE BULWARK, CHEPSTOW.	55 - 60

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards
R. Chapman
P. Clarke
D. Blakebrough
D. Dovey
D. Edwards
D. Evans
R. Harris
B. Hayward
J. Higginson
P. Murphy
M. Powell
B. Strong
P. Watts
A. Webb
A. Wintle

Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon the day before the meeting. Details regarding public speaking can be found within this agenda or is available here [Public Speaking Protocol](#)

Access to paper copies of agendas and reports

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

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

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

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Purpose

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

Decision-making

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

Main policy context

The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

Policy DES1 – General Design Considerations

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Development proposals will be required to:

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;
- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and

spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (adopted March 2016)
- 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)

National Planning Policy

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

- Planning Policy Wales (PPW) Edition 8 (January 2016)
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)

- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

Other matters

The following other legislation may be of relevance to decision-making.

Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

Conservation of Species & Habitat Regulations 2010

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range.

Well-being of Future Generations (Wales) Act 2015

This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;
- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below.

Who Can Speak

Community and Town Councils

Community and town councils can address Planning Committee. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles: -

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application.

When is speaking permitted?

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

Registering Requests to Speak

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

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

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

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

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

Content of the Speeches

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

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

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

- Boundary disputes, covenants and other property rights

- Personal remarks (e.g. Applicant's motives or actions to date or about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. The procedure for dealing with public speaking is set out below;

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the objector will then be invited to speak for a maximum of 4 minutes by the Chair.
- If applicable, the supporter will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chair will then invite the applicant or appointed agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to speak for a maximum of 5 minutes.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
 - Where an objector/supporter, applicant/agent or community/town council has spoken on an application, no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the committee unless there has been a material change in the application.
 - The Chair or a member of the Committee may, at the Chair's discretion, occasionally seek clarification on a point made.
 - The Chair's decision is final.
- Officers will be invited to respond to points raised if necessary.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- When proposing a motion whether to accept the officer recommendation or to make an amendment, the member proposing the motion shall state the motion clearly.

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

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd August, 2016 at 2.00 pm**

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

County Councillors: R. Chapman, D. Evans, R. Harris, B. Hayward,
J. Higginson, P. Murphy, M. Powell, B. Strong, P. Watts, A. Webb
and A. Wintle

OFFICERS IN ATTENDANCE:

Philip Thomas	Development Services Manager
Robert Tranter	Head of Legal Services & Monitoring Officer
Mark Hand	Head of Planning, Housing and Place-Shaping
Paula Clarke	Planning Applications and Enforcement Manager
Shirley Wiggam	Senior Strategy & Policy Officer
Paula Harris	Democratic Services Officer

1. Apologies for Absence

We received apologies from County Councillors D. Blakebrough, D. Dovey and D. Edwards.

2. Declarations of Interest

County Councillor A. Webb declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of planning application DC/2016/00588 as she attended an event at the Racecourse in December 2015. She left the meeting taking no part in the discussion or voting thereon.

County Councillor A. Webb declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of planning application DC/2015/01336 as she has previously declared an interest in previous applications relating to this site due to being the subject of a number of complaints from the objectors.. She left the meeting taking no part in the discussion or voting thereon.

3. To confirm for accuracy the minutes of the previous meeting

The minutes of the Planning Committee meeting dated 5th July 2016 were confirmed and signed by the Chairman.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd August, 2016 at 2.00 pm

4. To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached)

4.7. PLANNING APPLICATION - DC/2016/00588 - PROPOSED DEMOLITION OF NORTHERN SPECTATOR STAND AND ERECTION OF MULTI-PURPOSE BUILDING AND ASSOCIATED WORKS CHEPSTOW RACECOURSE, CHEPSTOW

We considered the report of the application which was recommended for approval subject to the 11 conditions, as outlined in the report. Late correspondence was also received in respect of this application.

St Arvans Community Councillor Jonathan Richards, attending the meeting by invitation of the Chair, outlined the following points:

- The Community Council did not have any objections in principle to the application.
- The objection is specifically in relation to the vehicle access proposed.
- There are two vehicle access strategy proposals set out in the traffic management report. The Community Council's objection relates directly to the 2nd element of proposed access which will require traffic crossing the A466.
- The most northerly gate is within a 50mph zone and the Community Council considers this dangerous without traffic control.
- The access from the A466 crossing the road will cut across a public footpath and cycle path which is regularly used.
- Concerned was raised regarding the increased frequency of use at the facility, with particular regard to car parking spaces. The Community Council have submitted written objections on this matter previously.
- The principle concern is the additional traffic crossing the A466 entering and exiting the car park, crossing across the footpath & cycle path. There have been incidents there previously as the visibility is poor both entering and exiting the car park.
- The Community Council are pleased to note that the Officer's report recommends the traffic management report but find that the proposed condition and the understanding of the issues raised does not fully address the Community Council's concerns.

The applicant's agent, Mr Steven Higgins, attending the meeting by invitation of the Chair outlined the following points:

- He accepted that the traffic management plan needed further work and that any additional requirements that were required would be addressed.

MONMOUTHSHIRE COUNTY COUNCIL

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- The Kennel Club, who are helping to fund the development have requested use of this gate so that elderly visitors who are showing their dogs can bring their dogs in crates as close to the facilities as possible.
- The new facility will bring visual benefits with a purpose built modern facility which compliments the gently undulating landscape.
- The stand will form phase one of the improvements to the Racecourse.
- The facility will benefit the local community by adding another revenue source and will look to encourage local use.
- The proposed use will complement the offer of the Racecourse at times other than race days.
- On race days the new replacement stand will bring excellent facilities to the Racecourse and will be important in poor weather conditions.
- The objective is not to increase the number of visitors but to improve the experience of existing visitors.

Having considered the report of the application and the views expressed, Members considered that the proposed scheme was a good scheme which will offer improved facilities within the County.

It was therefore proposed by County Councillor P. Murphy and seconded by County Councillor R. Harris that application DC/2016/00588 be approved subject to the amendment to condition 5 as per late correspondence and add condition 12 requiring submission of a construction management plan, as requested by Highways.

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

For approval - 12

Against approval - 0

Abstentions - 0

The proposition was carried.

We resolved that application DC/2015/01136 be approved subject to the amendment to condition 5 as per late correspondence and add condition 12 requiring submission of a construction management plan, as requested by Highways.

4.1. PLANNING APPLICATION - DC/2013/00474 - A FIRST FLOOR EXTENSION TO 5 & 5A CHIPPENHAMGATE STREET TO PROVIDE A SINGLE, ONE BEDROOM DWELLING WITH THREE PARKING SPACES AT GROUND LEVEL. 5 & 5A CHIPPENHAMGATE STREET, MONMOUTH NP25 3D

This item was initially discussed at the July 2016 Planning Committee meeting where it was proposed by County Councillor A.M. Wintle and seconded by County Councillor

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D.L.S. Dovey that consideration of application DC/2013/00474 be deferred to the August meeting to allow officers to liaise with the applicant with a view to changing the external wall and roof materials and that white render should be provided with a slate roof.

After a considering the amended plans, it was proposed by County Councillor A. Wintle and seconded by County Councillor R. Chapman that application DC/2013/00474 be approved subject to the amended plans, as outlined in the report.

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

For approval - 13

Against approval - 0

Abstentions – 0

The proposition was carried.

We resolved that application DC/2013/00474 be approved subject to the amended plans, as outlined in the report.

4.2. PLANNING APPLICATION - DC/2015/01336 - PROPOSED CHANGE OF USE TO THE STORAGE AND REPAIR OF LIGHT MOTOR VEHICLES. STORAGE AND REPAIR OF UP TO TWO HGV MOTOR VEHICLES AND A TRAILER AND ANCILLARY PARKING AREAS (REVISED SCHEME) LAND AND EXISTING WORKSHOPS, NEW BARN WORKSHOP SITE, ST ARVANS, CHEPSTOW, NP16 6HE

The Head of Planning verbally reported an additional item of late correspondence which sought deferral of the item in the interests of 'natural justice' so that an objector could speak. The Planning Committee was advised that the request to speak was not made within the deadline set out in the Protocol.

In light of the late correspondence received shortly before the meeting, which was immediately distributed by the Planning Officers to the Members of the Planning Committee at the start of the meeting, the Chair granted a 10 minute pause in proceedings for Members to have further time to absorb the late correspondence before proceeding with this application.

We considered the report of the application which was recommended for approval subject to fifteen conditions, as outlined in the report. Late correspondence was also received in respect of this application.

In noting the detail of the application, Members expressed their appreciation of the concerns raised in regard to the application, both in terms of landscape and nuisance. A Member noted that there was no objection from the AONB office, provided screening was carried out and it was asked how we would be able to effectively monitor and maintain this. In response the Head of Planning advised the Committee that there was a condition recommended in the report for a management plan for the landscaping. The Development Management Team's Monitoring & Enforcement Officer would ensure that this

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condition is complied with and maintained, and in the case the landscaping is not maintained or dies, there would be enforcement powers to take action if the planning application was granted.

We were also informed by the Head of Planning that there had been objections made in regard to the hours of operation of the repair garage not being enforced. But at present there are no planning conditions in place to enforce as the use is unauthorised.

A Member asked if the previous High Court Action in 2014 had been addressed. In answer we were told that the findings of the High Court in the 2014 case had been addressed by officers and that they had given proper consideration to the application received and presented to the Planning Committee today.

It was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2015/01336 be approved subject to amending condition 7 to refer to 'light' vehicles, amending condition 15 to ensure timber cladding is retained in perpetuity and Members noting that the Officers had carried out a revised environmental impact assessment in light of the otter hole feature.

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

For approval - 12
Against approval - 0
Abstentions – 0

The proposition was carried.

We resolved that DC/2015/01336 be approved subject to amending condition 7 to refer to 'light' vehicles, amending condition 15 to ensure timber cladding is retained in perpetuity and Members noting that the Officers had carried out a revised environmental impact assessment in light of the otter hole feature.

4.3. PLANNING APPLICATION - DC/2016/00320 - REMODELLING OF EXISTING DWELLING MALLARD AVENUE CALDICOT

We considered the report of the application which was recommended for approval subject to the three conditions, as outlined in the report.

The local Member for Caldicot also a Planning Committee Member, expressed concerns regarding the application stating that he felt that the proposed roof was too high and that the remodelling would be out of character with the area.

Having considered the report of the application and the views expressed, it was proposed by County Councillor P. Murphy and seconded by County Councillor M. Powell that application DC/2016/00320 be approved subject to the three conditions, as outlined in the report.

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

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For approval - 10
Against approval - 3
Abstentions – 0

The proposition was carried.

We resolved that application DC/2016/00320be approved subject to the three conditions, as outlined in the report.

4.4. PLANNING APPLICATION - DC/2015/01585 - CONVERSION OF ORIGINAL HOUSE TO 6 APARTMENTS; CONVERSION OF COACH HOUSE AND STABLES INTO TWO SEPARATE RESIDENTIAL UNITS. DEMOLITION OF 1970'S EXTENSION BLOCK, ERECTION OF 36 NEW BUILD RESIDENTIAL UNITS (INCLUDING 10 AFFORDABLE RETIREMENT APARTMENTS AND 2 AFFORDABLE RETIREMENT BUNGALOWS) THE HILL, PEN-Y-POUND, ABERGAVENNY, NP7 7RP

We considered the report of the application which was recommended for approval subject to the twenty conditions, as outlined in the report. Late correspondence had also been received in respect of this application.

The local Member for Abergavenny was not present, so the adjacent ward member, also a Planning Committee Member, expressed his support for the application.

Concern was raised by Members regarding the rear window sills for the Earlswood house type. The applicant who was present agreed verbally to provide them and officers will ensure the sills are shown on an amended plan before the decision is issued.

Having considered the report of the application and the views expressed by the local Member, it was proposed by County Councillor R. Harris and seconded by County Councillor M. Powell that application DC/2015/01585 be approved subject to the twenty conditions, as outlined in the report and subject to a S106 agreement, the addition of a Highway condition set out in late correspondence regarding future maintenance and management of the access, and biodiversity conditions referred to in late correspondence, as well as the amended plan showing the window sills on rear elevation of the Earlswood house type before issuing the decision..

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 DC/2015/01585 be approved subject to the twenty conditions, as outlined in the report and subject to a S106 agreement, the addition of a Highway condition set out in late correspondence regarding future maintenance and management of the access, and biodiversity conditions referred to in late

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correspondence, as well as the amended plan showing the window sills on rear elevation of the Earlswood house type before issuing the decision.

4.5. PLANNING APPLICATION - DC/2016/00301 - PROPOSED CONVERSION OF REDUNDANT AGRICULTURAL BUILDING (BARN 4) INTO RESIDENTIAL USE FIVE LANES FARM, CAERWENT

We considered the report of the application which was recommended for approval subject to the fourteen conditions, as outlined in the report.

The local Member for Caerwent, also a Planning Committee Member, expressed his support for the application.

In noting the detail of the application, it was proposed by County Councillor P. Murphy and seconded by County Councillor J. Higginson that application DC/2016/00301 be approved subject to the fourteen conditions, as outlined in the report.

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

For approval - 13
Against approval - 0
Abstentions – 0

The proposition was carried.

We resolved that application DC/2016/00301 be approved subject to the fourteen conditions, as outlined in the report.

4.6. PLANNING APPLICATION - DC/2016/00494 - CHANGE OF USE OF HOTEL WITH C1 USE TO A1, A2 AND A3 USE ON THE GROUND FLOOR WITH B1 USE TO THE FIRST AND SECOND FLOORS. THE SWAN HOTEL, CROSS STREET, ABERGAVENNY, NP7 5ER

This item was initially discussed at the July 2016 Planning Committee meeting where it was proposed by County Councillor D. Edwards and seconded by County Councillor M. Powell that consideration of application DC/2016/00494 be deferred to the August meeting to allow Abergavenny Town Council's Planning Committee time to consider the application and to submit comments to Monmouthshire County Council's Planning Department.

In noting the detail of the application, it was proposed by County Councillor P. Clarke and seconded by County Councillor R. Chapman that application DC/2016/00494 be approved subject to the four conditions, as outlined in the report.

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

For approval - 13

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at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd August, 2016 at 2.00 pm**

Against approval - 0
Abstentions – 0

The proposition was carried.

We resolved that application DC/2016/00494 be approved subject to the four conditions, as outlined in the report.

5. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received

5.1. The Mount, Parc Road, Coed y Paen, Monmouthshire NP4 0SY

We received the Planning Inspectorate report which related to an appeal decision following a site visit on 14th June 2016, site The Mount, Parc Road, Coed y Paen, Monmouthshire NP4 0SY.

The appeal had been dismissed.

5.2. Appeals received - 24th June - 21st July 2016

We noted the appeals received between 24th June and 21st July 2016.

The Head of Planning, Housing and Place-Shaping informed the Committee that a date that been sent to Committee members for the next design tour, Wednesday 14th September 2016 and asked for suggestions from Members of places they would like to visit.

We were informed that prior to the October Planning Committee meeting we would receive a visit from the Chief Planning Inspector who will be giving a brief presentation regarding developments of national significance.

There will be a joint officers and member session of training on the morning of the 17th November 2016 for the Design Commission for Wales with a view to further training in 2017, details to follow.

On Tuesday 27th September 2016 at 1pm there is a meeting of the Economy and Development Select Committee to which members of the Planning Committee are invited to look at the annual performance report and the LDP annual monitoring report.

The meeting ended at 3.45 pm

DC/2015/00606

RESIDENTIAL DEVELOPMENT OF ALLOCATION SITE SAH11 (XII) TO PROVIDE 10 DWELLINGS (INCLUDING 60% AFFORDABLE)

LAND TO THE SOUTH WEST OF PENALLT, MONMOUTH, NP25 4SB

RECOMMENDATION: Approve

Case Officer: Jo Draper

Date Registered: 13th July 2015

1.0 APPLICATION DETAILS

This application was resolved to be approved at Planning Committee on the 1st December 2015 subject to planning conditions and a legal agreement. The legal agreement has yet to be signed as there is a question regarding the viability of delivering the development as approved. This financial viability relates to build costs and the logistical implementation of the highway drainage. A revised scheme has now been submitted and is being re-presented to Planning Committee. The changes proposed in relation to the previously approved scheme are the following:

1. Natural stone applied to frontage elevations to be replaced with Audley Antique Brick
2. Natural Slate to be replaced with reconstituted slate Rivendale textured fibre slate colour blue/black
3. Terraced row of Plots 8,9 and 6,7 to be reduced in depth from 9.44m to 8.89m
4. End of row Plot 10 to be reduced in width from 6.18m in width to 5.69m
5. End of row plot 5 to be reduced in width from 6.18m to 5.59m. Length to be increased from 9.44m to 9.89m creating a step at the front and the rear between plot 5 and plots 6 and 7.
6. Highway drainage has been changed, the swale that was approved in the previous scheme has been replaced by two potential methods as below:
 - (i) Discharge to existing highway drainage ditch, via attenuation and flow control installation (surface water drainage from proposed estate road (where adopted by the Local Highway Authority) to discharge to existing highways drainage ditch, via attenuation and flow control installation. Provisionally the system will comprise a Hydro-Brake flow control, with appropriate attenuation chamber (located beneath the estate road) which will control the rate of flow into the drainage ditch. Exact details would be formally agreed with the Highways Authority under Section 38 Agreement.
 - (ii) Suitable ground infiltration system contained within the curtilage of the development site.

The previous report is attached below for information purposes.

The revised scheme has gone out to consultation and all representations received to date will be reported as Late Correspondence at Planning Committee.

2.0 REPRESENTATIONS

2.1 Consultations Replies

To date the following consultation has been received:

Monmouthshire Highways: No objection to proposed changes to highway drainage

3.0 EVALUATION

The two issues that arise in the consideration of this application following the changes that have been made to the approved scheme are the following:

1. Visual amenity
2. Highway Drainage

1. Visual Amenity

The changes to the size of the dwellings are minimal and will make very little difference overall in the visual appearance of the scheme. The step that has been created between plots 5 and 6 is a small improvement upon the previous scheme and serves to break up the terraced row. The change in the use of external materials will represent a change overall to the development, although the context of the surrounding area has a more suburban character with bungalows and houses constructed in the last four decades prevalent within the surrounding area. In this context the use of a high quality brick that is rustic in appearance will work well within these surroundings. The same applies to the roof material; again there is a mix of roof materials in the surrounding area and a reconstituted slate will not look incongruous in this setting.

2. Highway Drainage

Previously the scheme proposed to discharge into a highway swale that ran along the front of the site, this is now not possible to implement and alternatives have been proposed either in the form of a discharge into an existing highway drainage ditch via controlled attenuation and flow control discharge or a ground infiltration system contained within the curtilage of the site. In both cases the highway engineer is satisfied that the proposed scheme is acceptable.

4.0 RECOMMENDATION: APPROVE

Subject to a Section 106 agreement that secures the following:

- (i) 60% Affordable Housing (Plots 5 - 10)
- (ii) Maintenance and management of the strategic landscaping by Seren Housing Group (Strategic landscaping that forms the boundary to the affordable dwellings and vendor in accordance with approved

- maintenance and management schedule to be agreed by the Local Planning Authority)
- (iii) Maintenance and Management of the 'Informal Open Space' by Seren Housing Group.

Conditions:

1. This development shall be begun within 5 years from the date of this permission.
2. The development shall be carried out in accordance with the list of approved plans set out in the table below.
3. Prior to development commencing on site a method statement based on the recommendations outlined in section 6.0 (Conclusions and mitigation) of the report 'Land at South West Penallt, Monmouthshire – Phase 1 Habitat Survey & Ecological Impact Assessment' by Abbey Sanders Ecology dated April 2015 to be submitted to the Local Planning Authority for approval prior to any works commencing on site.
4. Prior to development commencing on site a detailed lighting plan, focusing particularly on minimising lighting impacts along existing and proposed hedgerows, shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved lighting plan.
5. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
6. The development shall be carried out in accordance with the agreed finishes which form part of the detail of this planning application; these agreed finishes shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. None of the existing trees, shrubs and hedges on the site shall be felled, lopped or topped (excluding regular trimming of hedges) uprooted or wilfully damaged. If any of these trees, shrubs or hedges are removed, or if any die or are severely damaged, they shall be replaced with others of such species, number and size and in a position to be agreed in writing with the Local Planning Authority. Any lopping or topping which may prove necessary shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.
9. Notwithstanding the provisions of Article 3, Schedule 2, Part 40 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no roof or wall mounted solar photo voltaic or solar thermal equipment shall be erected or constructed on the building.

10. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

PREVIOUS REPORT

1.0 APPLICATION DETAILS

- 1.1 The site is allocated in the Local Development Plan for around 10 dwellings under Policy SAH11. Policy S4 relates to Affordable Housing Provision and states that in 'Main Villages' there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to six affordable dwellings and four market dwellings and therefore in principle complies with both S4 and SAH11.
- 1.2 The application site is currently in agricultural use (identified as being poor semi-improved grassland). The site does not have the benefit of an existing access into the site. There are no defensible boundaries to the west and south of the site as this application proposes to sub-divide an existing field. A new hedgerow is proposed to the south and west which together with the existing hedgerow along the northern and eastern boundary forms the strategic landscaping around the perimeter of the site. This is proposed to be managed separately outside of private ownership. A section of hedgerow to form the highway entrance is being translocated within the site.

This application has been subject to pre-application discussions and further negotiations during the course of this application. The proposed development seeks to deliver affordable provision through a ten unit mixed tenure scheme with 60% being identified as affordable housing; plots 5, 6 and 7 will be for social rent and will remain so in perpetuity, whereas plots 8, 9 and 10 will be 'intermediate' housing.

- 1.3 There are a mix of house types within the area; in the immediate vicinity there are two storey dwellings and modern bungalows situated on generous plots. In this case the application proposes three house types. The private detached dwellings comprise of two types of dwelling, both are similar in form and design, and in the case of plots 1, 2 and 3, the gable projects forward of the main elevation with a lower ridge whilst plot 4 is a traditional dwelling with a symmetrical frontage.
- 1.4 There are two rows of three terraced properties proposed and all have the same floor layout and design, the only exception being plot 10 that fronts the highway which has been treated differently on the external frontage as it forms a corner plot with primary frontages facing the highway and the access road into the site. Whilst the scale of the market and affordable dwellings differ, the form of both the market and affordable dwellings is very similar. The eaves and ridge height are 4.5m and 8.2m high respectively, the roof gradients vary from 45 degrees on the prominent frontages with a minimum of 38 degrees on the other roof slopes.

The walls are a mix of natural stone and brick with all prominent frontages on both private and affordable dwellings finished in natural stone with the 'Audley Antique' brick being used on the less prominent frontages. The external materials are the same throughout the site, there having been no compromise made for the affordable housing as all six affordable units match the materials proposed for the private dwellings on this site and comprise of the following:

Roof: natural slate

Rainwater goods: black plastic

Chimneys to be faced with brick slips to match main walls

Walls: Bricks 'Audley Antique' or natural stone (laid to random rubble pattern, mortar joints to be flush pointed or slightly recessed)

Sills and Lintels: reconstituted stone

Joinery: timber windows and exterior doors painted opaque finish (colour cream or off white)

- 1.5 With regard to car parking, each plot has a minimum of one space per bedroom up to a maximum of three spaces where there are three or more bedrooms (without including integral garages). Visitor spaces are to be largely accommodated on street. The boundary materials comprise of hedgerows to the front boundaries with a 1.8m high boundary to the rear gardens. The rear boundaries adjacent to the strategic landscaping on the 'garden side' would be a 1.2m high post and rail fence to demarcate ownership boundaries.
- 1.6 With regard to foul drainage a septic tank is provided for each private unit whilst a private package sewage treatment plant is proposed to serve the affordable units.
- 1.7 This application has been subject to revisions with subsequent changes in house design and layout. The dwellings have been lowered with the eaves and ridge height measuring 4.5m and 8.2m in height respectively for the private detached and affordable dwellings. External materials have been changed to natural materials; chimneys have been added; external chimneys replaced by more traditionally designed internal stacks; a hierarchy of windows has been introduced; hipped roofs on garages have been replaced by traditional pitched roofs; hedgerows demarcate front boundaries; a small informal open space has been created within the site and the layout has been altered to provide a more open aspect when accessing the plots to the south-east of the site.
- 1.8 The application site is within the Wye Valley AONB.

2 RELEVANT PLANNING HISTORY

None

3 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing Provision

S4-Affordable Housing Provision
SAH11(xii)-Main Villages Land to the south west of Penallt -around 10 dwellings
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 Transport
S17 – Place Making and Design

Development Management Policies

NE1 – Nature Conservation and Development
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
MV1 – Proposed Developments and Highway Considerations
LC4 – Wye Valley AONB

4 REPRESENTATIONS

4.1 Consultations Replies

Trellech Community Council: Refuse

- Plans represent an over-development of the site. The density of the housing is quite different to the existing pattern in the village and not in keeping with it.
- The density requires a separate shared parking area with hard surface at the lowest point. This will exacerbate existing problems with drainage
- Social housing should be integrated, not segregated from the open market properties
- Additional landscaping should be required to minimise the impact on the neighbours

Gwent Glamorgan Archaeological Trust: No objection to the positive determination of the application

Monmouthshire Biodiversity Officer: The ecological assessment is sufficient. Welcome the addition of planting of fruit trees on the site which will be of benefit to pollinators and contribute to the GI approach. Further Green Infrastructure Plans have been provided; comments to be reported as Late Correspondence.

of the site subject to relevant planning conditions being imposed that require the following to be submitted:

- A method statement based on the recommendations outlined in Section 6.0 (Conclusions and Mitigation) of the report 'Land at South West Penallt Monmouthshire- Phase 1 Habitat Survey & Ecological Impact Assessment' as modified by advice on timing of the translocation of the hedgerow to September – October or mid-April – May to minimise risk/harm to dormice.
- Lighting plans

Monmouthshire Housing and Community Services: Fully supports this development; it will provide much needed affordable housing for those in housing need in the Trellech Community Council area.

Monmouthshire Highways and Drainage Officer: Having reviewed the submission and with particular regard to the supporting technical information, namely:

Transport Assessment May 2015

Drawing No. PG/03/D - Site Layout as Proposed

Drawing No. PG/14/A - Drainage Layout Plan as Proposed

There are no objections to the proposed development from a highway standpoint subject to the following:

Junction Visibility: The traffic speed and volume surveys indicate that although the main road is subject to the national speed limit the actual speeds are significantly less and on average in either direction the speed of vehicles is circa 35/37mph. Transport, the actual visibility requirements should be 2.4m x 90.0m. The junction visibility indicated on Drawing No PG/03/D demonstrates that the required visibility of 2.4m x 90.0m is achievable.

Shared Surface: The proposal to serve the 10 dwellings via a shared surface access road is deemed acceptable in the circumstances considering the limited impact the development will have.

Highway and Surface Water Drainage: Following discussions with the applicant the applicant has considered the highway surface water drainage associated with the shared surface and submitted revised drainage details as indicated on Drawing No. PG/14/A - Drainage Layout Plan as Proposed. The applicant has considered the drainage sustainability issue and promoted the use of roadside swales to both store and control discharge of surface water to the ground and to the existing roadside ditch. The proposal also provides a degree of betterment and a balancing regime for the surface water run-off from the existing highway and proposed shared residential road.

I would offer no objection to the proposed Highway Surface Water Drainage as submitted.

Car Parking: The development provides adequate parking provision and is in accordance with the Councils Parking Standards 2012.

Highway Adoption: The proposed shared access road lends itself for consideration for adoption as a publically maintained highway under Section 38 of the Highways Act 1980. Although the applicant may be willing to offer the shared surface road for adoption, conditions to be imposed are recommended accordingly.

Walking & Cycling: The site and Penallt itself is not well placed in respect of walking and cycling, although the area does not benefit from footways the ability for pedestrians and cyclists to share the highway with other users is achievable due to the low number and low speeds of vehicles that use the network on a daily basis. Although walking and cycling should be actively encouraged and promoted, regrettably it is unrealistic to secure off-site improvements to encourage and promote walking and cycling as there are no discernible locations in the vicinity of the development that people could legitimately walk or cycle to.

Public Transport: Penallt is on the local bus link between Monmouth and Chepstow, bus stops are located within walking distance of the site and the frequency of service is reasonable considering its predominantly rural location; the bus service provides wider opportunities to travel further afield from either Monmouth or Chepstow.

Considering the scale and number of dwellings promoted the increase in passenger demand is likely to be low and enhancement of the existing bus service is unlikely.

4.2 Neighbour Notification

There have been 17 representations received to date, the points raised are summarised below:

- Questioned transport assessment – queries the notion that the absence of accidents is evidence that the pedestrian environment is safe where it is, it says nothing about how the safety is being achieved or what effect this have upon the development
- Monmouth being reached by cycle is very impractical and this form of transport cannot be considered an option when assessing sustainability of transport from this site
- The bus schedule is wholly inappropriate for normal commuting and it runs at the wrong time
- The infrastructure needed to serve and deliver sustainable transport is not in place
- Using percentiles and averages is misleading
- Potential overflow from septic tanks and cascading effect on run-off down to the cross roads in the village
- The proposed development is prominent in an open landscape and is more than 4 dwellings
- Proposed site is out of character with the surrounding landscape and village form being tightly knit, not of a stone/render combination and not set back from the roadside; brick is inappropriate
- Houses in Green Pastures are overlooked - growing hedges higher will block sunlight
- Site is sloping with copious amounts of water in wet weather; this is due to the water table and numerous natural springs within the land
- Road access is dangerous and is too close to the cross roads with cars travelling at speed; this will be too dangerous
- Over-development of the site – the site would work better with 5 affordable and 3 market
- Questioned the timing of the porosity test as it was undertaken during an unusually dry extended period
- Lighting should not spill out
- Little green space
- Noise pollution arising from the site layout splitting the affordable units and spreading across the site would help.
- Construction vehicles would be noisy
- Impact upon tourism/ visitors by blocking views of the AONB
- Parking area is poorly designed with little turning area and cars parked nose to tail
- Questioned the necessity of 10 new houses when there are currently 14/15 houses for sale within a mile of the centre of Penallt which have been on the market for a significant period of time.

- The outcome of the Local Development Plan sessions regarding this plot of land was that it would not support 10 houses – oversight of the staff to include this number
- Too much visible segregation between affordable and market use of different materials
- No effort to soften the view of the scheme
- The encroachment of the development onto agricultural land creates a precedent for ribbon development
- The house types reflect the current demand in the area; there is a shortage of low maintenance , high quality apartments
- Site is prone to flooding
- The village has no amenities - school, shop surgery, infrequent bus service, etc.
- Layout reflects an urban context not a rural one
- Cramped conditions will force families out onto the main road, skateboarding etc.
- Poor soil is unable to take the effluent as none of the culverts are maintained; this shows that further properties will exacerbate the problem
- The driveways and access road should be a permeable surface

5 EVALUATION

The principle of developing on this site with ‘around 10 dwellings’ has been established with the allocation of this site under LDP Policy SAH11(xii) . Policy S4 relates to Affordable Housing Provision and states that in Main Villages there is a requirement for at least 60% of the dwellings to be affordable. The proposal relates to six affordable dwellings and four market dwellings complying with Policy S4 and SAH11 in principle. The detailed issues that arise in the consideration of this application are as follows:

Landscape and Visual Impact
 Neighbour Impact
 Highways and Surface Water Drainage
 Foul Drainage
 Other Issues Raised
 Response to Community Council Comments

5.2 Landscape and Visual Impact

5.2.1 The site is located in the Wye Valley Area of Outstanding Natural Beauty, and as such Policy LC4 is applicable and the proposal must not detract unacceptably from its setting. A high standard of landscaping is therefore required for this site, particularly as there are no existing ‘defensible boundaries’ on the southern or western edges of the site. The landscaping that has been proposed around the perimeter of the site works well, serving to establish a strong indigenous hedgerow boundary that provides a sense of enclosure and containment without the introduction of hard settlement features that would adversely affect the surrounding landscape. The hedgerow continues within the site and provides a softer rural frontage to all the proposed dwellings.

5.1.2 This development will be visible from surrounding viewpoints, so it is important that the built form works visually both from outside the site looking in and from within the site looking out. The site slopes from the east rising up to the west, and the proposed dwellings gradually rise up, with plots 1 and 2 at the highest point of the site while the higher density houses are situated in the lower part of the site. The section drawing of the site (Drawing PG04 Rev B) shows how the proposed dwellings gradually step up from the highway viewpoint. The garages are strategically placed to provide relief in the built form, and there is more than adequate spacing between the dwellings and the outside boundaries for the proposed scheme to not appear as an over-development of the site.

5.1.3 There has been concern raised by neighbours regarding the proximity of the dwellings to the highway. In the case of plot 1 the house is set at an angle to the highway frontage, and it sits comfortably within the plot, relating well to main viewpoints into the site. Plot 10 has been revised so that this dwelling reflects the characteristic of a traditional cottage both in form and design and its relationship with the highway. It is not uncharacteristic to find traditional cottages that almost 'hug' the highway frontage and this proposed stone-fronted dwelling will reflect such a development.

5.1.4 Finally, concern has been raised about the use of brick; this has been predominantly used on the secondary frontages with natural stone being the dominant, primary material. The proposed brick has a traditional 'reclaimed' appearance that compliments the other high quality materials and is welcomed in this case. The proposed dwellings are of a simple, traditional form and design that work well within this rural aspect. This, coupled with the proposed high quality external materials and a strong landscaping scheme, effectively delivers a site that assimilates well into the surrounding landscape and forms an attractive development, as well as a sense of place. The proposal is visually acceptable within this setting and complies with the relevant planning policies in this case.

5.2 Neighbour Amenity

5.2.1 The main potential impact relates to the dwellings immediately opposite the application site. The layout has been designed to meet the privacy guidelines between first floor habitable windows and the boundaries for private amenity spaces. There is no direct overlooking caused by this development, the closest neighbouring property to this site is Stone Barn House, and a distance of approximately 27m separates the frontage of the proposed dwelling on plot 10 from the front of this neighbouring dwelling. In addition, mature foliage that forms the frontage to the neighbouring property softens any viewpoints into this site. The impact of the proposed development upon the amenity of this neighbouring property would be minimal.

5.2.2 The size and position of the proposed gardens vary, although they are proportional to the size of the dwellings that they serve. When considered with the small informal open space that is proposed on site, the amenity of the future occupiers of these dwellings is more than acceptable in this case.

5.3 Highways and Surface Water Drainage

5.3.1 The proposal has been revised to satisfy highway and drainage concerns. The details submitted are now satisfactory. A neighbour has raised concern regarding the transport assessment and sustainability of the site. It is recognised above by MCC Highways that *“the site is not well placed in respect of walking and cycling, although the area does not benefit from footways the ability for pedestrians and cyclists to share the highway with other users is achievable due to the low number and low speeds of vehicles that use the network on a daily basis. Although walking and cycling should be actively encouraged and promoted, regrettably it is unrealistic to secure off-site improvements to encourage and promote walking and cycling as there are no discernible locations in the vicinity of the development that people could legitimately walk or cycle to.....Penallt is on the local bus link between Monmouth and Chepstow, bus stops are located within walking distance of the site and the frequency of service is reasonable considering its predominantly rural location, the bus service provides wider opportunities to travel further afield from either Monmouth or Chepstow.”*

5.3.2 With regard to surface water drainage a revised scheme has been submitted wherein the applicant has considered the sustainable drainage issue and promoted the use of roadside swales to both store and control discharge of surface water to the ground and to the existing roadside ditch. Representations received from neighbours have raised concern regarding the potential for flooding. This proposal offers a degree of betterment and a balancing regime for the surface water run-off from the existing highway and proposed shared residential road. The proposal satisfies both highway and surface water drainage concerns.

5.4 Foul Drainage

5.4.1 This proposal is located in an area where there is no mains drainage which is why an on-site sewage treatment plant is proposed. Welsh Water commented to this effect during the Local Development Plan process but did not raise any concern. Concern has been raised by neighbours regarding the potential of flooded septic tanks and effluent issues which currently exist in the village being further aggravated by the proposed development. The applicant has submitted a Ground Investigation Report (Core Geotechnics Ltd SW of Penallt Monmouth 16 March 2015). Natural Resources Wales have assessed the drainage proposals including the assessment of the risks to the water environment, there is no objection to the findings of the report for the purposes of this application. Further control and specification is issued through the application for a permit to discharge which is covered under separate legislation. It can be concluded therefore that information provided for foul drainage is acceptable for the purposes of this planning application.

5.5 Response to the Representations of the Community/ Town Council

- i) Over-development of the plot – this has been addressed in Paragraph 5.1.2 above.

- ii) Density requires a separate shared parking area with hard surface at the lowest point that will exacerbate drainage – this issue has been addressed in Paragraph 5.3.2 above.
- iii) Social Housing should be integrated not segregated from the open market properties.
MCC Planning Response: plots 8, 9 and 10 are situated at the entrance point to the site, and the aspect of these properties face the highway, a highway that is shared and immediately overlooked by the market dwellings. These plots are viewed as an integral part of the development. Plots 5, 6 and 7 are served by the same access road with a frontage that faces north and a south-facing rear garden; this sits broadly level with the adjacent plot 4 which is a market dwelling and shares the same aspect as that of plots 2 and 3. In this case the affordable units are not visually distinct, and functionally relate well to all other dwellings as the informal open space that serves the overall site is located to the front of these affordable units. The development is considered to be integrated and works successfully with the constraints of the site to provide an efficient yet non-segregated form of development.
- iv) Additional landscaping required to minimise the impact on neighbours – this has been addressed in paragraph 5.1.1 above.

6 **RECOMMENDATION: APPROVE**

Subject to a Section 106 agreement that secures the following:

- i) 60% Affordable Housing (Plots 5 - 10)
- ii) Maintenance and management of the strategic landscaping by Seren Housing Group (Strategic landscaping that forms the boundary to the affordable dwellings and vendor in accordance with approved maintenance and management schedule to be agreed by the Local Planning Authority)
- iii) Maintenance and Management of the 'Informal Open Space' by Seren Housing Group

Conditions:

1. Time Condition (five years in which to commence development)
2. Implementation in accordance with approved plans
3. Compliance with agreed external materials
4. A method statement based on the recommendations outlined in Section 6.0 (Conclusions and Mitigation) of the report 'Land at South West Penallt Monmouthshire- Phase 1 Habitat Survey & Ecological Impact Assessment' (as modified by advice on timing of the translocation of the hedgerow to September – October or mid-April – May to minimise risk/harm to dormice)
5. Submission of a Lighting scheme
6. Implementation of landscaping scheme.
7. Protection/ maintenance of landscaping.
8. Removal of Permitted Development Rights for solar panels.
9. No boundary materials other than that approved as part of the planning application.
10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets

within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

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DC/2015/00938

DEMOLITION OF EXISTING DWELLING AND DETACHED GARAGE. ERECTION OF REPLACEMENT DWELLING AND DETACHED GARAGE. RELOCATION OF EXISTING VEHICULAR ACCESS

ORCHARD HOUSE, LLANBADOC, USK

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham
Registered: 28/08/2015

1.0 APPLICATION DETAILS

- 1.1 This application relates to an existing detached two storey dwelling with detached single garage. The existing property is a 4 bedroom two storey double bay fronted detached dwelling, with hipped tiled roof. The elevations are principally red/orange drag faced brickwork with rough cast painted render over, extending from underside of first floor window cills to eaves. A detached garage located to the south of the dwelling is built in a similar style to the main dwelling. The property is in a fair condition but is in need of modernisation and insulating to reduce heat loss and energy consumption. Having considered the extension and alteration of the existing structure it was resolved by the applicant that construction of a new replacement dwelling would be the most economically viable solution.
- 1.2 The design of the proposed replacement dwelling has been amended following discussions with officers regarding the volume of the proposed new house in relation to the existing.

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

S1 – Spatial Distribution of New Residential Development
S12 – Efficient Resource Use and Flood Risk
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

H5 – Replacement Dwellings in the Open Countryside
SD3 – Flood Risk
LC5 – Protection and Enhancement of Landscape Character
NE1 – Nature Conservation and Development
MV1 – Development and Highway Considerations
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection

4.0 REPRESENTATIONS

- 4.1 Consultation Responses

Llanbadoc Community Council – Main Comments: Out of keeping – too bold, modern design, site lines, Size. Privacy issues. Safety concerns on access.

Three relevant parties were represented at the Llanbadoc Community Council meeting held on 6th July 2016, this included the applicant and two neighbours. The two neighbours raised concerns over privacy, style and size. Another neighbour commented on shift in access, considered a retrograde step. Cllr. Laura Jones commented on the build stating that it was out of character with the area and that access changes were a valid concern.

The applicant confirmed that the architect had worked within the guidelines, and the agent had considerable contact with MCC.

Cllr. Laura Jones view was that it would completely change the character of the village, this was supported by Cllr. James Lawrence who also felt it would be a powerful dominating property and would impact on neighbouring properties.

The applicant stated that it was energy efficient, and the design was steered by MCC and worked within parameters on a design and energy efficient point of view.

4.1.3 MCC Highways - No adverse comments.

4.1.4 MCC Biodiversity Officer – No objections subject to conditions (see below). Considering the now extensively glazed appearance of the east elevation the planting enhancements recommended within the Ecology report and referenced in the DAS will be even more important to maintain foraging/commuting corridors.

4.2 Neighbour Consultation Responses

6 representations received. Object on the following grounds;

- No need to demolish the existing house as sound well built by Sweet & Sons who were recognised as the best firm of builders in the area for very many years.
- Proposed new dwelling completely out of character with anything else in the area.
- Proposed new dwelling looks more urban.
- Proposed new dwelling too large.
- Manipulation of maximising size to prescribed volume limitations has resulted in a distorted, unconventional, alien, modern design.
- Question the volume calculations submitted by the applicant.
- Overlooking from bathrooms and west facing balcony.
- Change of access to a more dangerous location.
- Demolition and construction work will bring lots of noise and dust.

4.3 Local Member

Local Member Cllr. V Smith – Initially requested that the application be determined by Planning Committee owing to concerns about the size of the garage and overlooking of neighbour by roof lights in the proposed garage. Subsequently considered that negotiations had been undertaken (revisions made so there were now no roof lights in

garage) and therefore no need for Committee. No comments to revised drawings offered to date.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 Although the existing dwelling does have some architectural merit, the building is not a traditional farmhouse, cottage or other building that is important to the visual and intrinsic character of the landscape and so the principle of demolishing the existing dwelling is accepted as it is considered to meet the terms of Policy H5 of the Local Development Plan (LDP).

5.1.2 In order to comply with the Supplementary Planning Guidance (SPG) that supports Policy H5, the volume of the new dwelling should normally be no more than 50% larger than the existing dwelling. The existing building has a volume of 580m³ and the proposed new dwelling a volume of 910m³. This equates to an increase of 57% which is considered to be close enough to the limits normally allowed by policy whilst not compromising the success of the design of the proposed new dwelling overall. It should be noted that the proposed dwelling and hard landscaping will cover a total area of some 768m² which equates to 27% of the site when taking in to account the site as a whole. There will therefore be ample space around the dwelling for soft landscaping which it is considered should be a condition of any consent.

5.2 Visual Amenity

5.2.1 The site as existing is divided into two plots with a relatively recent boundary of shrubs. It is proposed to remove this boundary to enable the proposed replacement dwelling to be shifted more centrally within the site and increase the size of the curtilage of the proposed new dwelling to include both plots. This increase in curtilage is considered to be acceptable as the whole area has been used in association with the dwelling historically, even though not all as formal garden and the area is within the ribbon of built development along the road into Usk. It is noted that the northern side of the site is within the flood plain and so there can be no new built residential development in this area anyway.

5.2.2 The new dwelling is proposed to be sited closer to the highway than the existing dwelling. Given that the building line in this area varies significantly and in places is right up to the road then this is considered to be visually acceptable.

5.2.3 In terms of design, the existing property is a twin bay-fronted hipped roofed property of post war construction and cannot be considered to be typical of more traditional dwellings found in the open countryside but is more suburban in character. The replacement dwelling was originally designed with a hip roof and was generally well received, however the footprint area required by the applicants combined with a traditional house design created substantial unused space in the loft. The result was the structure as a whole significantly exceeded the LDP policy criterion in respect of proportionate volume increase for replacement dwellings in the countryside. Thus, it was decided to revisit the design.

5.2.4 The dwelling now proposed is a more contemporary design with a vertical emphasis, large glazed areas with aluminium frames, a mix of finishes and most strikingly perhaps, a flat roof. The revised design has reduced the massing of the elevations with the general ridge line approximately 2m lower than the original proposals. Variation in the eaves line and storey heights add interest to the facades and depth to the

elevations thereby helping to break up the massing of the building. The roof will be covered in a slate grey coloured single ply membrane for flat roof elements and colour-coated standing seam panels to the pitched areas, sympathetic to adjacent slate roof planes, replacing the plain clay tile of the existing Orchard House. Dark grey matt finish colour-coated aluminium window frames would enable the maximum glazing to be achieved to apertures with clean slim-line sightlines. The stone element proposed would be constructed using a slate building stone or dark grey linear-shaped stones with deep recessed joints. Rendered walls are proposed to be finished with a silicone scraped texture through colour render or fined down and painted.

- 5.2.5 The adjacent cottages and houses are primarily pitched slate roof two-storey structures and the plot shares a boundary with a storey and a half stone barn, which has been converted and partially rendered. Further along Usk Road towards Caerleon, Myrtle Villa is a predominantly brick clad house with stone detailing and a hipped slate roof.
- 5.2.6 Given the mix of building types within the vicinity of the application site as well as the large plot, it is considered that a contemporary approach would be appropriate in this case rather than trying to mimic other smaller original structures. As the materials and finishes of a building of the type proposed will be critically important to achieving a high quality design, it would be appropriate to condition samples of the materials for approval via condition.
- 5.2.7 The proposed double garage has been redesigned taking into consideration the concerns of the neighbouring property and the case officer. The structure has been reduced to a single storey structure with a flat roof and proportionally sized to the dwelling, accommodating two cars on a daily basis. An additional area has been added onto the garage to provide space for a hobby room. The outbuilding has been designed in a style to match the proposed replacement dwelling whilst remaining detached and subservient to the main part of the house.

5.3 Residential Amenity

- 5.3.1 The proposed building is sited at its closest point 8.0m from the southern boundary with Ty-Mawr Farm, 12m to the aforementioned barn conversion and 28m to the adjacent farmhouse, respectively. The small southern elevation first floor window serving a bedroom would be obscure glazed. To the south a dense mature privet hedge approximately 2.0m tall provides privacy at ground floor level, and therefore overlooking issues and loss of privacy are not anticipated. Similarly, the distances between the proposed new dwelling and the reduction in overall height as a result of the design mean that the dwelling would not appear overbearing to any neighbours.

5.4 Access

- 5.4.1 The proposal relocates the vehicular access to a more central location achieving improved and acceptable visibility in both directions compared to the existing access point. There is more than adequate parking and turning available as shown on the submitted plans. The proposed alteration to the access will not therefore adversely affect highway safety.
- 5.4.2 The application site is predominantly bounded by an established native species hedgerow. The majority of the hedgerow is proposed to be retained. Relocation of the vehicular access and forming of visibility splays for improved highway safety will result in parts of the hedge to the eastern boundary being disturbed. However, the hedgerow

would be translocated to the revised alignment and also used to close up the former vehicular access.

5.5 Biodiversity Considerations

5.5.1 Based on the current objective survey and assessment available, enough ecological information has been submitted to enable the Council to make a lawful planning decision. No evidence of bat roosts were found in the house or garage buildings. Two active house sparrow nests were found.

5.5.2 The proposals for this site require the existing dwelling and garage to be demolished, which will result in the loss of all potential bat roosting features and confirmed bird nesting features. The report concludes that there will be no impacts on bats as a result of the proposed development. There will however always remain a possibility of bats being encountered within a building even after a series of negative surveys. The application proposes a precautionary approach with regard to bats and demolition, and the provision of bat boxes as enhancement and bird boxes as compensation for the nesting space lost. These are considered acceptable and conditions are proposed below.

6.0 RECOMMENDATION: APPROVE

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.
4	No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
5	All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling 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.
6	No demolition of any buildings or structures, or removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building and vegetation for active birds' nests immediately before and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

7	The demolition shall be carried out in accordance with section 6.1 Precautionary Measures of the report "Orchard House, Llanbadoc. Bat Survey Report. Acer Ecology. Version 1, Dated 23 June 2015."
8	The development hereby permitted shall not be occupied until the bat box (Schwegler 1FR) and bird box (Schwegler 1SP) have been installed in accordance with details shown on submitted plan 1198 (BD)13.
9	Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building so as to illuminate the bat and bird boxes on the southern elevation.
10	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, as amended (or any order revoking and re-enacting that Order with or without modification) no development within Part 1 of Schedule 2 to the Order, shall be carried out on land to which this permission relates, without express planning permission having first been obtained from the Local Planning Authority.

Informatives:

Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) 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 the retained ecologist or Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). 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 bird species is between March and August inclusive.

DC/2015/01389

OUTLINE APPLICATION FOR RETAIL DEVELOPMENT AND PUBLIC HOUSE ON LAND WHICH IS CURRENTLY BEING USED AS THE CARPARK FOR THE MITEL BUILDING

CASTLEGATE BUSINESS PARK, CALDICOT

RECOMMENDATION: APPROVE

Case Officer: Kate Young
Date Registered: 04/01/2016

1.0 APPLICATION DETAILS

1.1 This is an outline application with all matters reserved for future consideration. The site comprises an area of 0.79 hectares which includes the main access into Castlegate Business Park. The application seeks the erection of a public house and associated car parking on the western side of the access and four small retail units (up to a total of 200m²) and associated parking on the eastern side of the access. This is an outline application but an illustrative plan has been submitted. The scale parameters for the four retail units are 10.3m – 15m AOD for the height, with length ranging from 20 - 22 m and a maximum width of 11m. The proposed public house would have a maximum height of 19m AOD and a range in length of 20 – 31m, and a width range of 15 - 27m. It should be noted that the proposed floor areas of both the retail units and public house would be set at 10.3m AOD. The site would be extensively landscaped. It is estimated that the proposal will generate in the region of 30 full time equivalent jobs. Since the original submission the application has been amended and the residential manager's flat for the public house has been removed.

1.2 The application was screened in June 2015 and the Council concluded that this was not EIA development. The planning application is supported by the following documents:

Design & Access Statement
Site Survey
Transport Statement
Drainage Statement
Utilities statement
Arboricultural Survey
Retail and Economic Assessment (March 2016)

2.0 RELEVANT PLANNING HISTORY

DC/2013/00688 Foodstore and Retail Units	Withdrawn
DC/2006/01442 Lighting Scheme	Approved
DC/2005/01309 Signage	Approved
DC/2005/00438 Modification of condition limiting use to B1.B2 and B8	Approved
DC.2000/00239 Additional 130 car parking spaces	Approved
DC/1994/00766 New Access	Refused

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S5 – Community Facilities
- S6 – Retail Hierarchy
- S9 – Employment Sites Provision
- S12 – Efficient Resource Use and Flood Risk
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S16 - Transport
- S17 – Place Making and Design

Development Management Policies

- DES1 – General Design Considerations
- DES3 - Advertisements
- EP1 – Amenity and Environmental Protection
- RET4 – New Retail Proposals
- E1 – Protection of Existing Employment Land
- SD2 – Sustainable Construction and Energy Efficiency
- SD4 – Sustainable Drainage
- GI1 – Green Infrastructure
- MV1 – Proposed Developments and Highway Considerations

Site Allocations

- SAE2 – Protected Employment Site

4.0 REPRESENTATIONS

4.1 Consultations Replies

Caldicot Town Council - Approve

Portskewett Community Council – Approve

MCC Planning Policy

The site lies within the Castlegate Business Park, Caldicot, which is allocated as a Protected Employment Site under Policy SAE2, the specific site reference of which is SAE2p. The site is designated for B1, B2 and B8 uses. In addition to SAE2, Policy E1 relating to the protection of existing employment land should be considered. Note that the Supporting Planning Statement (6.2.2/ 6.2.28) states that while the proposal is located within a protected employment site (SAE2) it does not comprise of land/buildings in employment use and will not result in the loss of employment land, only car parking space. To clarify, the whole of the site is designated as a protected employment site in the LDP and should be therefore be considered as such in line with policies SAE2 and E1. In addition, it should be demonstrated that the proposed development would not adversely impact on the operation of existing business space within the site.

It is noted that the site is located approximately 950m outside the Central Shopping Area (CSA) of Caldicot. Accordingly, consideration should be given to LDP Strategic Policy S6 'Retail Hierarchy' which identifies Caldicot as one of the County's main towns. It clarifies that all new/enhanced retail and commercial developments will be focused within the County's town, local and neighbourhood centres provided they are consistent in scale and nature with the size and character of the centre and its role in the retail hierarchy. The policy clearly states that proposals that would undermine the retail hierarchy will not be permitted.

Consideration must also be given to Policy RET4 'New Retail Proposals' of the LDP. This policy sets out the criteria against which proposals for retail and commercial leisure and entertainment development outside Central Shopping Areas (CSA), as identified on

the Proposals Map, will be assessed. It seeks to protect and enhance the County's designated Central Shopping Areas by resisting out-of-town development that could be detrimental to such centres.

Policy RET4 clarifies that the preferred location of such proposals is within Central Shopping Areas. In accordance with the sequential approach to site selection, where it can be demonstrated that no suitable sites exist in the CSA, then sites on the edge of the CSA should be considered before finally considering out-of-town sites. The policy sets out detailed criteria to assess proposed developments outside CSAs which cover the following matters:

- Is there a demonstrable need for the development? (Criterion a)
- Would the development have a detrimental impact on the trade/turnover, vitality/viability of town, local and neighbourhood centres? (Criterion b)
- Is the proposed development is of an appropriate scale and type? (Criterion c)
- Would the proposed development would have a detrimental impact on future public or private investment needed to safeguard the vitality and viability of the centres? (Criterion d)
- Is the site in a location accessible to public transport? (Criterion e)
- Is the proposal located on land allocated for other uses? (Criterion f)

Given that this site is located approx. 950m outside the Caldicot CSA, the applicant should give consideration to all of the above in order to demonstrate compliance with this policy. It is noted that the Supporting Planning Statement (including Retail Statement) contains limited information on these retail planning policy issues. The pre-application advice provided to the applicant requested that a Retail Impact Assessment be submitted with the outline application. However, this has not been provided. The Supporting Planning Statement notes that as the proposed development (total 820 sq. m) is well below the threshold of 2,500 sq. m set out in TAN4 whereby an impact assessment is required. Notwithstanding this, TAN4 does clarify that 'such assessments may also be necessary for some smaller developments, for instance those that are likely to have a large impact on a smaller town or district centre' (paragraph 6).

Having regard to the limited information provided in the Supporting Planning Statement, I would note the following points:

· Sequential Approach – as the objective of this proposal is to provide a local facility for the Severn Bridge Industrial Estate, alternative sequentially preferable locations have not been considered. It is questioned whether the proposed public house (does it also incorporate a restaurant?) would act to serve just a local need at an industrial estate? Seem to disregard the guidance contained in PPW (10.1.1) in relation to A3 uses i.e. to 'promote town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions'.

· Need – neither a quantitative or qualitative need has been demonstrated for the public house or retail units. Paragraph 6.1.5 merely states that need cannot be quantified. In order to address the requirement of criterion a) the need for the proposed uses should be clearly demonstrated.

· Impact – with regard to the retail units no information has been provided as to what type of retail is proposed e.g. convenience, comparison, meaning that it is difficult to determine the likely impact on the town centre. Nevertheless, the potential impact of the proposal on the vitality and viability of Caldicot town centre is an important consideration in determining this application. Caldicot town centre serves a key function as a local town centre for residents and there are concerns that the proposed development could draw trade from the CSA and negatively impact on the vitality and viability of the centre, contrary to national and local policy.

It may be considered appropriate to seek further clarification on these retail planning policy matters to demonstrate compliance with Policy RET4. In any event, it is suggested that advice is sought from the Council's retail consultant on the proposed development.

Policies S16 and MV1 relating to proposed developments and transport and highway considerations should be considered. It is noted an extant application for an additional parking area along with alterations/engineering work are proposed to compensate for the loss of parking – no doubt highways colleagues will provide comments on parking provision.

While the proposed retail units are located outside floodplain, the public house is partially located in Zone C1 and C2 floodplain. Consideration will therefore need to be given to the requirements of TAN15, as well as LDP policies S12 (Efficient Resource Use and Flood Risk) and SD3 (Flood Risk). The public house would not relate to a form of highly vulnerable development, the manager's flat conversely would be a form of highly vulnerable development. There would be no conflict with Policy SD3 relating to Flood Risk for the public house, subject to demonstration that the criteria listed are met in full.

Finally, Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively must be referred to.

James Williams Planning Consultant

James Williams was commissioned by MCC to provide retail analysis on this proposal. His full report and addendum are attached as Appendix 1 at the end of this report. A summary is as follows:

The application proposal is in outline for four commercial units (Class A1, A2, A3) up to a total of 200sq.m GIA, and a public house (Class A3) up to 620 sq. m GIA. There is limited information only on occupation of the proposed units. The application site fronts Caldicot Road and forms part of the Castlegate Industrial Estate.

The relevant policy documents are:

Planning Policy Wales, Edition 8, January 2016; and the Monmouthshire Local Development Plan 2014

For the purposes of interpreting planning policy, the application site is allocated for employment use in the Development Plan, and is an 'out-of-centre' retail location. We make no further comments on employment related issues, as they are not within our remit. PPW 2016 and the Local Plan 2014 specify criteria that must be satisfied before planning permission is granted for new retail and other forms of 'town centre' development in 'out-of-centre' locations.

Development Plan Strategy

The retail spatial strategy set out in the Local Plan (Policies S6 and RET4) is clearly to focus new retail other forms of 'town centre' development in existing centres and most particularly in the development plan defined CSAs. Being outside Caldicot CSA, the application proposal is inconsistent with this strategy.

Need

The applicant asserts that the proposed facilities are to serve the needs of the Castlegate Industrial Estate. We accept that application proposal could enhance the business environment of this area by providing conveniently located facilities for the Severn Bridge Industrial Estate. However, limited information has been supplied on prospective occupants, particularly in respect of Class A1 retail uses.

Although a public house would be used by employees of the Industrial Estate, it would plainly serve a wider catchment area. Public houses are now invariably promoted by multiple operators and often focus also on the restaurant business so as to draw trade from further afield and to enhance viability.

The absence of more information on occupation of the small commercial units and public house lessens the weight that might otherwise be attached by the Planning Authority to the 'need' case for the application proposal. However, you may be prepared to accept that, even in the absence of more detail, the form and content of the application proposal is consistent with the stated aim to serve the needs of the Industrial Estate, and that this is sufficient for you to consider the 'need' case favourably.

Sequential Approach

If you accept that the application proposal is to serve the needs of the Industrial Estate and the development has to be located within or close to the Industrial Estate, a search for potential alternative sites / properties within or on the edge of the Town Centre is not necessary. PP has, however, provided an assessment of alternative sites and premises in sequentially preferable locations, upon which we have commented in general terms only.

Impact

There is very limited information on the types of occupant of the small commercial units. However, we are satisfied that the quantitative impact of any Class A1 retail facilities on Caldicot CSA would be small.

Class A3 food and drink facilities including public houses are important components of the Town Centre, but the impact of these facilities on the CSA / town centre is not capable of being measured with any great degree of reliability. This is mainly because the success of food /drink facilities is strongly dependent upon the style of operation of the particular facility.

Notwithstanding the above uncertainties, in our opinion the quantitative and qualitative impact of the small retail / service units on the CSA and town centre is likely to be small.

National Resources Wales (NRW)

Thank you for your e-mail dated 20 May 2016, containing the following documents submitted in support of the application:

Drainage Statement (revision B) dated May 2016, Ref CG/2015/DS/01; and Design and Access Statement (revision A) May 2016, REF RHL/CG/DAS/1 both by Robert Hitchins.

On the basis of the above information we withdraw our previous objection to the application as submitted provided that a suitably worded condition is included on any permission your Authority is minded to grant. As you are aware the planning application proposes less vulnerable development within Zone C1 and Zone C2 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the Severn Estuary. The decision as to whether a development is justified in line with section 6 of TAN15 is entirely a matter for your Authority

The site is located within Zone 1 of the *Great Spring* Source Protection Zone (SPZ). Source Protection Zones are designated by Natural Resources Wales to identify the catchment areas of sources of potable water. We note the very low levels of contamination identified and we consider that the controlled waters at this site are of low environmental sensitivity.

Welsh Water

Outlines conditions requiring a drainage scheme for the disposal of foul, surface and land water by a sustainable means; the imposition of a grease trap. No problems are envisaged

with the Waste Treatment works for the treatment of domestic discharge or with the water supply to the site.

MCC Tree Officer

A Tree Report in accordance with BS 5837:2012 *Trees in relation to Design, Demolition and Construction* – Recommendations has been submitted with this application.

The report states that tree loss to facilitate the development will be limited mainly to trees in the grass verges adjacent to the road to the south of the proposed development. The trees that it is proposed to remove are, in the main, of lower quality. This would provide a welcome opportunity to secure some new planting. The impact on the retained trees at the remainder of the site is likely to be insignificant.

MCC Highways

There are no highway grounds to sustain an objection to the application subject to conditions being imposed.

As part of the Transport Assessment a survey of the existing highway network and existing traffic flows was undertaken to establish whether there is sufficient capacity to accommodate the development proposal and associated traffic. Caldicot Road/Site Access priority junction, Caldicot Road/B4245 Mitel Roundabout were analysed and showed that they were currently operating within capacity.

To determine the likely level of trip generation following the development the TRICS database was interrogated and forecasted trip rates and junction capacity models were established for 2015 and 2020. The results of which demonstrate that all junctions along the local highway network will continue to operate within capacity. It should be noted that we would normally request a 10 year projected growth analysis however the network is shown to be operating well within capacity for the 5 year projected growth period therefore is considered negligible. In this regard no further analysis is deemed necessary. In light of the above it is accepted that the TAS demonstrated that the traffic generated by the proposed development will have no detrimental impact on the local highway network.

Parking - Existing Building - The TA states that the site is currently served by 588 parking spaces. 113 spaces will be lost as a consequence of the proposed development however it is proposed to provide an additional 53 spaces consented under planning application DC/2006/00243 within the site to replace those lost. 528 parking spaces would therefore be provided for the existing building. The Monmouthshire Parking Standards 2012 specify parking provision of 1 space per 40m² for offices in excess of 1000m². The existing building has a gross floor area of 20,021m² therefore parking provision of 500 spaces is required. The proposal demonstrates that 528 spaces will be provided for the existing building which exceeds the requirements set out in the Monmouthshire Parking Standards 2012.

Application Site - Proposed Retail Buildings and Public House – The TA states that a total of 54 car parking spaces will be provided for the public house and four retail units. For public houses the Monmouthshire Parking Standards 2012 specifies 1 car parking space to be provided per 3m² of public serving area. The proposed building has a public serving area covering a floor area of 465m² therefore 158 car parking spaces are required. For the four retail units the Monmouthshire Parking Standards 2012 specifies 1 car parking space to be provided per 60m² together with 1 operational space for shops less than 200m². The four retail units have a total floor area of 200m² therefore 4 spaces plus 1 operational space are required. The indicative site layout submitted with the application shows that the parking between the retail units and the public house have not been split in accordance with the parking requirements for the respective development. The parking has been split so that the retail units have 16 spaces and the pub has 38 spaces meaning the retail units are oversubscribed and the pub is below standard. When considering the overall parking provision for the proposed development 54 spaces is severely below the requisite standard of 163 spaces. However, to accommodate this shortfall the TA states that there is flexibility within the Castlegate Business Park to meet the

full requirements should the demand arise. Taking consideration of the overall car parking provision for the business park and the proposed improvements to provide the additional parking then the site as a whole can provide the requisite level of parking. However, we remain concerned that the car parking provision for the application site is below standard and are concerned how the existing car park will be managed to accommodate the shortfall. We would therefore request the applicant to demonstrate how this arrangement can be agreed and managed.

Pedestrian and Cycle Provision – There are two existing pedestrian access points to the site. The first is from the Portskewett direction where there is an existing footway on the eastern side of the sites junction which is accessible from the southern footway on Caldicot Road via an existing uncontrolled pedestrian crossing. The second pedestrian access is from the Caldicot direction where there is a footway at the southwest corner of the site which is accessible from the existing footway network on the southern side of Caldicot Road via an uncontrolled pedestrian crossing through an existing splitter island on the Caldicot Road arm of the Mitel roundabout.

The TA states that a new footway will be provided on the northern side of Caldicot Road adjacent to the site.

The existing pedestrian and cycle infrastructure within the vicinity of the development has been reviewed and whilst the existing network is typical of an urban/suburban environment the developer will be required to improve the existing pedestrian network by providing a new shared footway along the sites full frontage on Caldicot Road and the B4245 together with additional pedestrian crossings where required. In addition S106 contributions will be required to improve the local walking and cycling infrastructure.

Public Transport – There are existing bus stops within the vicinity of the development site which are within short walking distance offering services to Caldicot and Portskewett approx. every 30mins.

Drainage – The existing car park areas associated with the site connect into an existing sewer on Caldicot Road and then discharges into the adjacent Neddern Brook. It is therefore reasonable to assume that the site and off site sewer/drain has been designed and constructed to accommodate the accumulative run off from the highway and the existing development site. As part of the application proposals it is proposed to retain the aforementioned connection with the addition of an on-site soakaway to accommodate the sites additional surface water run-off. Whilst we have no objection to the principle of this proposal no drainage calculations or detailed drawings have been submitted for our consideration which include the proposed site and proposed replacement car parking areas for the existing site. We are satisfied however that this can be made conditional to any planning approval. It should be noted that soakaways shall not be positioned within 5m of the public highway.

Glamorgan Gwent Archaeological Trust

Given the number of prehistoric sites in the Neddern Valley, it is an area where it is possible that prehistoric settlements may have occurred, even though damage would have occurred to the archaeology in the 1980's when the business park was being constructed. There is still potential for archaeological remains to be encountered during development. A condition requiring a programme of archaeological works and a written scheme of investigation is requested.

4.2 Neighbour Notification

One letter of objection received.

Other pubs in Caldicot have closed indicating that business is not viable. There are 5 other pubs within the area. This development may lead to the closure of other pubs.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 The application site lies on land which has been allocated in the LDP as a protected employment site (SAE2p). Policy SAE2 says that these sites are protected for industrial and business development (classes B1, B2 and B8 of the Use Classes Order). Policy E1 of the LDP says that proposals that will result in the loss of existing or allocated industrial sites to other uses will only be permitted where:

- a) the site or premises is no longer suitable or well-located for employment use;
- b) a sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area;
- c) there is no viable industrial or business employment use for the site or premises;
- d) there would be substantial amenity benefits in allowing alternative forms of development at the site or premises;
- e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs.

Exceptionally, planning permission may be granted for a change of use of existing employment land when the above criteria are not fully complied with if:

- (i) the proposal is for small scale retail uses which are ancillary to the main business / industrial activity; or
- (ii) small scale service activities of an industrial nature which are not suited to the high street and involve the sale, service or repair of vehicles or machinery.

5.1.2 A public house and retail units do not fall under the class of B1, B2 or B8 and therefore these service sector units are not strictly in accordance with the objectives of Policy E1 as it is not retaining the site for an industrial or business development. At present this land is being used as a car park and landscaping area in association with the Mitel Factory. Although the proposal would reduce the land available for industrial uses by approximately 0.8 hectare this does not equate to loss of industrial floor area as the development is on an area of surplus car parking. The site is well located for employment uses having good road access and being within an existing industrial area. It is unlikely that the land would be used to build new factory units given the number of existing units of various sizes in the adjacent Severn Bridge Industrial estate. However sufficient car parking provision should be retained to ensure the efficient running of the Mitel factory and any other future occupiers. The proposed public house and retail units are expected to generate approximately 30 full time equivalent jobs so although not strictly B Class employment uses, for which the land is being protected, the proposal will provide significant employment which is the underlying objective of Policy E1. There is no shortage of industrial land or premises available in this part of the County, indeed there are a number of vacant units and sufficient land allocated in the LDP to accommodate projected growth. The loss of this industrial/ business site would not prejudice the aim of creating a balanced local economy given the variety of industrial units still available in this area of Caldicot and the fact that the proposed use would generate employment opportunities. The proposed change of use would not directly lead to a loss of employment land given that the site is currently being used as a car park and the fact that the existing factory could continue to operate efficiently with the reduced level of car parking, which is currently underused. Although the proposal does not strictly accord with Policies SAE2 and the first part of Policy E1 of the LDP, it does not lead to the loss of industrial premises and does provide business opportunities and employment which is in line with the spirit of the policies, and the second part of Policy E1 allows for this type of development in exceptional circumstances. It is intended that

the proposed public house and retail units will enhance the facilities available for the employees on the business park and adjoining Severn Bridge Industrial estate and therefore add to the business environment; it may also act as a catalyst, attracting more take-up in the existing industrial units.

5.2 Impact on Caldicot Town Centre

5.2.1 Policy S6 of the LDP establishes a Retail Hierarchy in which Caldicot is classified as a County Town. The policy states that new retail developments will be focused in these main county towns. Proposals which would undermine the retail hierarchy will not be permitted. In considering this proposed development we need to look at its impact on the vitality and viability on Caldicot Town centre. Policy RET4 looks at this issue in more detail stating that the preferred location for new retail and commercial leisure developments will be in the designated Central Shopping Areas. This site is not within the CSA in fact it is almost 1 km to the East of the Town Centre. Policy RET4 then goes on to say that, where it can be demonstrated that no suitable sites exist in the CSA then sites on the edge of the CSA should be considered before finally considering out of town sites. Where developments outside the CSA are be considered they will be assessed against the following criteria.

- a) Demonstrable need exists for the proposed development;
- b) The proposed development, either individually or cumulatively with other recent or proposed developments, would not have a detrimental impact on the trade /turnover, vitality and viability of town, local or neighbourhood centres;
- c) The proposed development is of an appropriate scale and type to the size, character and function of the centre and its position in the retail hierarchy;
- d) The proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres;
- e) the proposal is in a location accessible to public transport facilities;
- f) the proposal is not on land allocated for other uses. This especially applies to land designated for industry, employment and housing, where retail development can be shown to limit the range and quality of sites for such uses.

5.2.2 In order to assess the issues outlined in Policy RET4 the developers commissioned Planning Potential to conduct a Retail and Economic Assessment and this was submitted as part of the application. This was then independently reviewed by JWPlanning

5.2.3 Retail and Economic Assessment by Planning Potential

This assessment looked first at the Monmouthshire Retail and Leisure Study produced by DJD in April 2010 which found that there was a need for additional retail floor space with many Caldicot residents doing their comparison and convenience shopping outside of Caldicot, most noticeably in Chepstow and Newport. (This study was undertaken before the opening of the new Asda store in Caldicot). The analysis was looking to see if the proposed 200 m² of new retail floor space would have a material impact on Caldicot Town Centre. Their detailed analysis found that the impact of the proposed retail units would be negligible and would be barely noticeable in terms of the function of the town centre and its viability and viability. Even taking Asda into account the analysis found that there was sufficient expenditure capacity within the Caldicot area to support the proposed 4 retail units without taking trade from the town centre. It concluded that there was a quantitative need for the development and the proposal may also result

in some claw-back in the expenditure being lost to other retail centres such as Chepstow and Newport,

With regards to the need for the development the Planning Potential study concluded that:

- Impacts associated with the proposal in the design year (2021) are negligible and represent no threat to the vitality and viability of Caldicot or any other centre.
- The proposal represents no threat to investment on the basis of the impact and expenditure analysis set out in Appendix 1. The proposal, if permitted, will not act to deter investment in Caldicot or any other centre.

5.2.4 Sequential Site Assessment

A sequential assessment has been undertaken for this development proposal, which proposes main town centre uses in an accessible but 'out-of-centre' location for retail planning purposes, being located approximately 950m to the east of Caldicot town centre. Planning Potential has reviewed sites within Caldicot town centre that could feasibly be considered to be sequentially preferable to the application site. At the time there were 5 vacant retail units within Caldicot Town centre. It was considered that none of the vacant units within the town centre are of a size sufficient to accommodate the entire proposed development (200 square metres) and that none would represent suitable units that could be capable of meeting the local requirements generated by the business park and industrial estate. Therefore, for this reason alone, the vacant units within the town centre are not suitable for the proposed development and are not considered sequentially preferable to the application site. Edge of town sites were also considered and ruled out as not being suitable. This part of the study therefore concluded that the application proposals comply with the sequential 'test' and approach to site selection.

Conclusions of the Planning Potential Report:

- A demonstrable need existing (including in quantitative terms) for the proposed retail development;
- The proposed retail development will have a negligible impact on trade/turnover, vitality and viability within the town centre;
- The proposed development is of an appropriate scale and type with regard to the centre and seeks to fulfil a bespoke role in the Castlegate Business Park and Severn Bridge Industrial Estate area;
- The development will not have a detrimental impact on future public or private investment in the centre, indeed we are not aware that any such investment is proposed;
- As set out within the submitted Supporting Planning Statement, the site is accessible by public transport.

5.2.5 JWPlanning Response to the above report

PPW 2016 and the LDP 2014 specify criteria that must be satisfied before planning permission is granted for new retail and other forms of 'town centre' development in 'out-of-centre' locations.

These relate to – compatibility with the development plan strategy; the need for the proposed development; the existence of alternative sites in sequentially preferable locations; and impact on existing shopping centres. The retail spatial strategy set out in the Local Plan (Policies S6 and RET4) is clearly to focus new retail and other forms of 'town centre' development in existing centres, and most particularly in the development

plan defined CSAs. Being outside Caldicot CSA, the application proposal is inconsistent with this strategy. For the purposes of evaluating the current application, we accept use of the MRLS. The overall findings of the Study remain valid. However, caution is now required in respect of some of the input assumptions to the Study. In particular the Experian retail expenditure growth rates forecast at the time of the MRLS have not been achieved. At the time, Experian was forecasting a continuing annual growth of retail expenditure in the early part of the forecast period, whereas it actually declined over some of these years.

5.2.5.1 Need

Both PPW and Policy RET4 of the Local Plan require a test of 'need' to be satisfied, in respect of applications for new retail development and other 'town centre' uses. PPW notes that 'need' can be demonstrated in both quantitative and qualitative terms, but that *"precedence should be accorded to establishing quantitative need"*. Planning Potential states in paragraph 4.45 of the Assessment that with modest increases in market share the analysis demonstrates sufficient expenditure capacity to support the application proposal. In our opinion, because of their small scale and nature, the proposed units are unlikely to clawback much expenditure currently lost from Caldicot. However, we remain of the view that the application turnover would be very modest as compared with the overall (convenience and comparison) level of catchment area residents' available expenditure (as well as with the overall (convenience and comparison) turnover of the town centre. Employment areas are often lacking in support facilities for the working population, and this is sometimes evident from the presence of temporary mobile fast food facilities. There would be benefits from having better quality facilities to serve this estate. However, the Planning Statement provides no information on the type of retail/service facilities that might be attracted to the estate, and the Assessment confirms that *"at this stage no specific occupiers have been identified"*. However, it also states that *"It is expected that the retail units will be attractive to small-scale convenience goods uses, including bakeries and coffee shop uses, but it is anticipated that the units would be taken up by operators such as Subway or Costa coffee."*

Whilst a public house would be used by employees of the Industrial Estate, it would plainly serve a wider catchment area. The difficulties of the public house industry are well known, and have caused closure of many facilities throughout the country. New facilities are generally only proposed in areas of significant population or high accessibility. They are invariably promoted by multiple operators and often focus also on the restaurant business so as to draw trade from further afield and to enhance viability. The absence of information on occupation of the small units must lessen the weight that might otherwise be attached by the Planning Authority to the 'need' case for this element of the application proposal. Likewise the 'need' case for a public house in this location would be more credible if some evidence of interest by market operators was provided. However, even in the absence of more detail, the form and content of the application proposal is consistent with the stated aim to serve the needs of the Industrial Estate, and that this is sufficient for you to consider the 'need' case favourably.

5.2.5.2 Sequential Test

In this case, the applicants refer to the facilities serving the needs of the local business and working community of the Severn Bridge Industrial Estate. As stated above, if this 'need' justification is accepted then plainly it cannot reasonably be met by an alternative site / facility within the CSA / Town Centre. For example, a café/take-away facility to serve workers on the employment site needs to be close at hand - within walking distance. If it is accepted that the application proposal is to serve the needs of the Industrial Estate and the development has to be located within or close to the Industrial

Estate, a search for potential alternative sites / properties within or on the edge of the Town Centre is not necessary.

5.2.5.3 Impact of the development on the town centre

The key impact considerations set out in Local Plan RET4 are whether:

(b) the proposed development, either individually or cumulatively with other recent or proposed developments, would not have a detrimental impact on the trade/turnover, vitality and viability of town, local or neighbourhood centres;

(d) the proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres;

It is noted above that the MLRS expenditure figures are in need of updating. Also, it will only be possible to make reliable estimates of the turnover of the Town Centre, once the effects of the ASDA store can be seen/judged. Notwithstanding this, it can be concluded that the Class A1 retail quantitative impact of the application proposal on Caldicot CSA shops would be very small. The impact of the small units in qualitative terms is equally difficult to evaluate. In the absence of more information from the applicant, it is difficult to judge the types of Class A1 retail occupants that are likely to be attracted to this location. However, they will not be retail traders who need the footfall of a town centre location, nor is the location likely to be attractive for walk-in neighbourhood shops. The application site is not well located to residential areas. The most likely non-service uses could be specialist traders for whom a location is not important, as their customers will seek them out. The applicant's consultant refers to sandwich bars and coffee shops as likely occupants (Class A3 uses). These are found in town centres and the application site could therefore accommodate an occupant who might otherwise have located in Caldicot Town Centre. However, the application proposal is being promoted on the basis that it is to serve the needs of the local Industrial Estate. If this 'need' justification is accepted, then plainly it cannot reasonably be met by an alternative site / facility within the Town Centre which would not be within walking distance. Notwithstanding the current difficulties of the public house industry, it could be difficult to substantiate refusal of the public house element of the application proposal on the grounds of impact. Notwithstanding the uncertainties, in our opinion the quantitative and qualitative impact of the small retail / service units on the CSA is likely to be small.

5.2.5.4 Summary Findings

The Council's consultant accepts that the proposal could enhance the business environment of this area by providing conveniently located facilities for the Severn Bridge Industrial Estate. However, limited information has been supplied on prospective occupants, particularly in respect of Class A1 retail uses. Although a public house would be used by employees of the Industrial Estate, it would plainly serve a wider catchment area. Public houses are now invariably promoted by multiple operators and often focus also on the restaurant business so as to draw trade from further afield and to enhance viability.

The absence of more information on occupation of the small commercial units and public house lessens the weight that might otherwise be attached to the 'need' case for the application proposal. However, even in the absence of more detail, the form and content of the application proposal could be considered to be consistent with the stated aim to serve the needs of the Industrial Estate, in which case the 'need' can be considered favourably.

Notwithstanding the above uncertainties, the opinion of the Council's consultant is that the quantitative and qualitative impact of the small retail / service units on the CSA and town centre is likely to be small.

5.2.6 MCC Evaluation

It has been demonstrated that a need exists for the small retail units to serve the occupiers of the employment side especially in term of A3 use, for the workers on the surrounding business park and industrial estate. In quantitative terms there is sufficient expenditure capacity within Caldicot so that the proposed retail units will not adversely affect the viability or vitality of the town centre as they are catering for a different market and are not in direct competition with the town centre units. The proposed retail units, if providing a coffee shop or bakery or similar employment-supporting uses, can be seen to be providing quality facilities to the surrounding business park, facilities that are currently lacking. It is more difficult to establish if there is a need for a new public house in this location; that would rather depend on the type of service being provided and the particular operator. It is very likely that the public house will provide restaurant facilities for local workers but it is likely also to attract a wider catchment area. There is no evidence to suggest that it will be in direct competition with other public houses in the area as this depends on the type of facility being offered. In any case, the proximity of the pub/restaurant to Caldicot Castle and the associated overflow parking (albeit that some of the existing overflow parking would be lost to make way for this development) mean the pub/restaurant could complement an element of the County's tourism offer.

On balance there is a demonstrable need for the proposed development. With regards to the vitality and viability of Caldicot Town Centre, the turnover resulting from the proposed retail units will be very modest and will not take away from the town centre function as it is catering for a different market, i.e. the workers on the surrounding employment sites. The Council's retail consultant is of the opinion the quantitative and qualitative impact of the small retail / service units on the CSA is likely to be small and officers see no reason to disagree with this view. The retail units are very small and the public house would be of modest size, and it is considered to be of an appropriate scale that would sit comfortably within the plot surrounded by mature landscaping. It would not undermine Caldicot's place in the retail hierarchy. The analysis provided by Planning Potential has also demonstrated that the proposals would have no material impact on the vitality and viability of the town centre (or any other designated centre) and that they will not undermine future public or private investment in Caldicot.

The proposed site is in a very accessible location being on the roundabout off the B4245 and the road to Portskewett. A local bus service runs past the site four times a day and there is a bus stop within 40 metres of the site. Therefore the site is reasonably accessible to public transport facilities. The proposal therefore complies with criteria a) to e) of Policy RET4 of the LDP. It does not however comply with criteria f) as the site is on land that has been allocated for other uses i.e. employment land. This matter has been addressed in detail elsewhere in the report.

5.2.7 Flooding

The four retail units are within DAM flood zone A where there is little or no risk of flooding. The proposed public house is within flood zone C1 and C2 according to the DAM flood maps. Land in the C1 zone is protected by flood defences and the advice in TAN 15 is that development can take place subject to justification tests. C2 is land without significant flood defences where less vulnerable development can take place subject to justification. Since the manager's flat has been removed from the scheme the public house is classified as less vulnerable development. A Drainage Statement (revision B) was submitted by Robert Hitchins which showed that the minimum FFL to be 10.3 metres AOD. NRW reviewed this statement and offered no objection. It is however the responsibility of MCC to determine whether the risks and consequences of flooding can be managed in accordance with TAN15 which states under section 6.2:

“In Zone C the tests outlined in sections 6 and 7 will be applied recognising that however, highly vulnerable development and Emergency Services in Zone C2 should not be permitted. All other development should only be permitted within Zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i. Its location in Zone C is necessary to assist, or be part of a local authority regeneration initiative or local authority strategy required to sustain an existing settlement; or*
- ii. Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority and other key partners, to sustain an existing settlement or region;*

As stated above, neither the retail units nor the public house are considered to be highly vulnerable development. The site is part of an existing business park and is surrounded by existing business and industrial uses. The proposal will generate jobs and employment opportunities as well as attracting occupiers to the surrounding employment units by improving the quality of the area's offer. The businesses proposed will benefit the adjacent business and industrial park by providing enhanced services to the area and will also benefit the wider economy. The proposal therefore would contribute to the key employment objectives of the Council. The site is brownfield in nature and the FCA demonstrates that the consequences of flooding can be satisfactorily managed. The development is justified on these grounds under TAN15.

5.2.8 Biodiversity

The proposal involves the felling of some trees in the grass verge adjacent to the road. The application included a tree report which identified the trees to be felled. MCC's Tree Officer recognises that the trees to be felled are of low quality and that the application may be an opportunity to secure some new planting as part of a landscaping plan. This will form part of the reserved matters.

5.2.9 Drainage

It is proposed that the foul and surface water will drain into the existing system operated by Castle Gate Business Park. The drainage details will be considered as reserved matters but there may be scope to introduce a sustainable urban drainage system. The existing car park areas associated with the site connect into an existing sewer on Caldicot Road and then discharge into the adjacent Neddern Brook. It is therefore reasonable to assume that the site and off site sewer/drain has been designed and constructed to accommodate the cumulative run off from the highway and the existing development site. As part of the application proposals it is proposed to retain the aforementioned connection with the addition of an on-site soakaway to accommodate the site's additional surface water run-off. Whilst there is no objection to the principle of this proposal no drainage calculations or detailed drawings have been submitted for consideration which include the proposed site and proposed replacement car parking areas for the existing site. This can be made conditional to any planning approval. It should be noted that soakaways should not be positioned within 5m of the public highway.

5.2.10 Highway and parking considerations

MCC Highways accept that the applicant's Transport Assessment (TA) demonstrates that the traffic generated by the proposed development would have no detrimental impact on the local highway network. There is over capacity of car parking spaces for the existing development on Castlegate Business Park, however the proposed public house and retail units would require their own parking provision. The TA shows that a

total of 54 car parking spaces will be provided for these but there is a requirement for 158 spaces for the public house under the provision of the Monmouthshire Parking standards and an additional 5 spaces for the retail units. To accommodate this shortfall the TA states that there is flexibility within the Castlegate Business Park to meet the full requirements should the demand arise. Taking consideration of the overall car parking provision for the business park and the proposed improvements to provide the additional parking then the site as a whole can provide the requisite level of parking. However, Highways remain concerned that the car parking provision for the application site is below standard and are concerned how the existing car park will be managed to accommodate the shortfall. It is therefore required that the applicant will have to demonstrate how this arrangement can be agreed and managed. This would be achieved by imposing a condition requesting a parking management plan. The applicant has confirmed that the proposed units will be leased and parking controlled by the applicant (Castlegate Business Park Limited) as the owner of both the application site and adjacent land edged blue on the Location Plan submitted with the application. Therefore the solution is in the applicant's control and a condition requiring a parking management plan would be appropriate.

The TA states that a new footway will be provided on the northern side of Caldicot Road adjacent to the site. The existing pedestrian and cycle infrastructure within the vicinity of the development has been reviewed and whilst the existing network is typical of an urban/suburban environment the developer will be required to improve the existing pedestrian network by providing a new shared footway along the site's full frontage on Caldicot Road and the B4245 together with additional pedestrian crossings where required. In addition S106 contributions will be required to improve the local walking and cycling infrastructure. These requirements directly relate to the proposed development and are considered to fully meet the tests in the CIL Regulations.

5.2.11 Visual Impact

The application is in outline only. The indicative plan shows the four retail units on the eastern side of the access road and the pub on the western site, each with dedicated parking and some landscaping. The maximum height of the building would be 15 metres AOD for the retail units and 19 metres AOD for the public house. It must be remembered that the finished floor levels will have to be at least 10.3 metres AOD to meet with the requirements of NRW in relation to flooding. The building will be close to the Portskewett Road and set above the road. Therefore the proposed new buildings will be very visually prominent but will be seen in the context of the buildings on the surrounding business park and adjoining industrial estate and the scale and layout as indicated are considered acceptable in principle. The exact design and finishing materials of the buildings would be considered as part of the reserved matters.

5.2.12 Other issues raised

The fact that there are existing public houses operating in Caldicot and the issue of competition is not in itself a material planning consideration. Being located on the employment site, the pub/restaurant would largely serve a different market to neighbourhood or town centre establishments. It is acknowledged that the pub is likely to draw passing trade including visitors to Caldicot Castle but the extent of this draw is not considered to be significant.

6.0 RECOMMENDATION: Approve subject to a 106 agreement requiring a financial contribution towards highway improvements to the local highway network and infrastructure including improvements to pedestrian facilities for safer routes to local amenities. In accordance with the Active Travel Act 2013 a contribution of £20,000 is

required towards improvements to existing pedestrian crossing facilities to provide safer routes to local amenities. The proposed development together with land allocated for development north of the site, Crick Road, Portskewett will attract more pedestrian movement in the immediate area therefore the contribution will be put towards the improvement of off-site pedestrian and cycling facilities to the main residential areas of Caldicot Town. The improvements are, but not solely restricted to, the provision of a new controlled pedestrian crossing on the B4295 within the vicinity of Chepstow Road, the provision of additional footway and crossing facilities on Mitel Roundabout to promote and improve pedestrian and cycling links through the Caldicot Castle grounds, adjacent to The Lodge.

Conditions/Reasons:

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.
2. (a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Approved plans and documents where not indicative and maximum/minimum parameters.
3. The development shall be carried out in accordance with the list of approved plans set out in the table below.
4. No development shall take place until the applicant or their agent or successor in title, have secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing with the LPA.
5. No development shall commence until a drainage scheme for that element/ phase has been submitted to and approved in writing with the Local Planning Authority. The development shall be completed in accordance with the approved scheme prior to the development being brought into use and retained as such thereafter.
Reason: To prevent overloading of the sewerage system.
5. The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system
Reason: To protect the integrity of the public sewerage system.
6. No element of the development shall commence use until the following works have been completed:
 - (a) Provision of a new footway along the full site frontage on the northern side of Caldicot Road, and
 - (b) Alterations/improvements to existing pedestrian crossings on Caldicot Road and the B4245.
7. Prior to the commencement of development a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The

CPMP to set out details of how parking will be managed to ensure that the demand for car parking is met. Prior to beneficial occupation of the development the CPMP shall be implemented in accordance with the approved details and the site shall be operated in accordance with the approved details thereafter.

8. Finished floor levels for the public house shall be set no lower than 10.3 metres Above Ordnance Datum (AOD) (Newlyn)
Reason: To reduce the risk of flooding to the development and its occupants.
9. The retail units hereby approved shall be retained as four separate retail units. There shall be no amalgamation of the individual units into larger units.
Reason: To protect the viability and vitality of Caldicot Town Centre.

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DC/2016/00634

CHANGE OF USE FROM RESIDENTIAL DWELLING TO PRIVATE DAY CARE NURSERY

TALYBONT COTTAGE, LLANELLEN ROAD, LLANFOIST

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham

Date Registered: 06/07/2016

1.0 APPLICATION DETAILS

- 1.1 This application relates to an existing dwelling in a large plot. It is proposed to convert the building to be used as a day nursery for children. As part of the conversion, it is also proposed to extend the property with a two storey extension to the front and a conservatory to the rear. This building work has been completed prior to the determination of the application although much of it would have been allowed under the Permitted Development Rights that the property enjoys in its current use as a dwelling.
- 1.2 The site is adjacent to a Welsh Water valve house as a main sewer runs through the site. An area of unused land adjacent to the valve house is to be used as a car park. Existing railings around the perimeter of the site are to be retained and existing vehicular and pedestrian gates are to be utilised.
- 1.3 The site is within the development boundary of Llanfoist and is not constrained by any flooding, ecological or conservation designations.

2.0 RELEVANT PLANNING HISTORY

MB32447 - Residential Development & Parking (5 Units). Refused 1992.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 – Community and Recreational Facilities
S12 – Efficient resource Use and Flood Risk
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

Development Management Policies

DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
NE1 – Nature Conservation and Development
MV1 – Development and Highway Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

- 4.1.1 Llanfoist Community Council – Recommends approval.

4.1.2 Dwr Cymru Welsh Water – No objections subject to conditions.

4.1.2 MCC Highways – No objection in principle.

4.1.3 MCC Planning Policy – No objection.

The site is located within the Llanfoist Development Boundary in a built up residential area. Strategic Policy S5 relates to Community and Recreation Facilities providing support in principle for development proposals that provide and/or enhance community and recreation facilities within or adjoining town and village development boundaries, subject to detailed planning considerations.

As the proposed nursery is located in close proximity to other dwellings Policy DES1 relating to general design considerations and EP1 concerning amenity and environmental protection must be considered.

Policy MV1 relating to proposed developments and highway considerations should be referred to as well as Strategic Policy S16 which promotes minimising the adverse effects of parking.

4.1.3 MCC Biodiversity Officer – No objection subject to conditions (see end of report).

4.1.4 SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

4.2 Neighbour Notification

Five representations received. Object on the following grounds:

- Area is residential and a nursery would spoil the quiet nature.
- Increased traffic and congestion.
- Road not wide enough to accommodate traffic.
- Should be located in a more commercial setting.
- Llanfoist does not have the capacity for a third nursery.
- No consultation with residents before work started.
- Existing DCWW equipment on site could be hazardous to children.
- Destroyed wildlife habitat by felling of trees and construction of car park prior to planning consent being granted.
- Destroying a bat habitat is a criminal offence and legal requirements should be insisted upon.
- Should have waited until planning consent was granted before undertaking any works.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 Strategic Policy S5 of the adopted Local Development Plan relates to community and recreation facilities. It states that development proposals that provide community facilities will be permitted within town and village development boundaries subject to detailed planning considerations. This site is within the development boundary of Llanfoist and therefore the proposal is acceptable in principle.

5.1.2 It is proposed to accommodate a total of 30 children comprising 6 babies (aged 0-2 yrs), 8 toddlers (aged 2-3yrs) and 16 children (aged 3-8yrs). The proposal includes a two storey extension to the building with a similar footprint to that previously approved for the dwelling although this permission has now lapsed. This is also considered to be acceptable in principle and a modern design with a flat roof and large areas of glazing is not opposed in this suburban context.

5.1.3 The site benefits from a relatively large external area partly due to the easement for the water pipe that crosses the site. It also benefits from having no dwellings or garden areas immediately adjacent to it that could be adversely affected by noise or disturbance as a result of the change of use. Furthermore, due to the presence of the Welsh Water pumping station to the corner of the site, the whole area is enclosed with railings that it is proposed to retain.

5.2. Visual Impact

5.2.1 To create more space, a two storey extension to the front of the building has been added together with a conservatory to the rear. The two storey extension squares off the footprint of the building and means that the integrity of the original roof can be retained and therefore the character of the building which is quite attractive, can be protected. The conservatory to the rear is in keeping with the domestic appearance and former use of the building.

5.2.2 The existing perimeter railings are to be retained which is welcomed. Unprotected trees that had been allowed to grow up around the dwelling over the years have been removed which has resulted in the site appearing relatively stark in comparison. Therefore, it is suggested that some new tree planting should be undertaken under a landscaping condition.

5.3. Residential Amenity

5.3.1 A nursery within a residential area is considered to be a compatible use. The site is located within the Llanfoist Development Boundary in a built up residential area. Strategic Policy S5 relates to Community and Recreation Facilities and provides support for development proposals that provide community facilities such as nurseries within town and village development boundaries. The site is not within close proximity of any other residential properties where the noise of the children would cause unacceptable disturbance to neighbouring occupiers. The hours of use, set out to be 7am until 7pm on the application form, are not considered unreasonable in this context.

5.3.2 The older and younger children will use the garden at different times on a rota so that there are smaller groups using the area and equipment at any one time. This will also have the benefit of reducing noise to avoid levels associated with a school playground.

5.4. Access, Parking and Traffic

5.4.1 The existing highway is a typical of older residential areas with a lack on off street parking, making the through route narrower with parked cars fronting the site. However, a car park has been provided which is compliant with the Monmouthshire Parking Standards and provides parking for staff and several drop off and pick up parking spaces within the grounds. There will be signs directing parents to the main entrance which is a short distance from the car park with a small ramp for push chairs, etc. The car park area will be surfaced with a mixture of tarmac and stone chippings with a concrete walkway. The car park and nursery area will be lit. The surrounding pavement and road also benefits from street lights. Given that drop off and pick up

times will vary greatly between individuals, it is not considered that a more formal drop-off zone be insisted upon.

5.4.2 The access gate already exists and has served the Water pumping station and dwelling. The Highway Officer would prefer to see the existing gate moved to a more central location with gates set back 3m to provide visibility of the footway for any pedestrian movements in the locality. However the gate has to be retained at its present location as Welsh Water require 24 hour access to their pumping station and their access could be compromised by having to cross a private car park, even if there is a right of access.

5.5 Biodiversity Considerations

5.5.1 It was unfortunate that the works to the roof were mostly complete by the time that a valid application was submitted because any likely disturbance would have already occurred and it would not now be reasonable to require a wildlife survey. However, considering the likelihood for bats in the building it is considered that an informative note should be added to any consent granted so that the applicant is aware of the legislation in relation to any future repair works to the main house.

5.5.2 Furthermore, considering the loss of potential roost features it would also be appropriate to secure by a planning condition bat enhancement in the form of an external bat box mounted onto the building.

6.0 **RECOMMENDATION: APPROVE**

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
4	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5	The new design shall incorporate enhancement for bats to include one or more of the following; "Externally mounted bat boxes such as 'Schwegler 1FQ external bat roost", "2FE Wall-mounted Bat Shelter". The bat enhancement measure shall be installed before the building is brought into the approved use.
6	No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Informatives:

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

The proposed development site is crossed by a public sewer. The advice of Welsh Water Dwr Cymru is attached to this consent which advises that no structure should be sited within 4.75m from the centreline of the pipes without the permission of DC-WW.

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DC/2016/00803

STABLES FOR FOUR HORSES

RED HOUSE FARM, ROCKFIELD, MONMOUTH

RECOMMENDATION: APPROVE

Case Officer: Alison Pankhurst

Date Registered: 29/07/2016

1.0 APPLICATION DETAILS

1.1 The application seeks retrospective consent for the change of use of an agricultural barn into stables for four horses. There has been no external works to the barn, only internal works. The barn is located at Red House Farm, Rockfield. The application has been submitted as a result of an enforcement case. The application is presented to Committee as the applicant is a close relative of a Member of Planning Committee.

2.0 RELEVANT PLANNING HISTORY

DC/2012/0199 - Removal of 10m deciduous hedge to create new vehicular access onto unclassified lane. Form parking and turning area within existing garden curtilage - Approved 29/03/2012

DC/2012/00089 – Proposed Timber & Glazed Greenhouse (LBC) Approved 18/7/2012

DC/2012/00088 – Proposed Timber & Glazed Greenhouse – Approved 18/07/2012

E16/144 – Alleged Unauthorised COU – Pending outcome of PP

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 Landscape, Green Infrastructure and the Natural Environment

S17 Place making and design

Development Management Policies

EP1 Amenity and Environmental Protection

DES1 General Design Considerations

4.0 REPRESENTATIONS

4.1 Consultations Replies

Llangattock Vibon Avel Community Council – No Objection.

MCC Biodiversity - From what I can see there is no external lighting and if you can confirm that then we would have no further comments, except to add a condition regarding lighting.

5.0 EVALUATION

5.1 Principle of the development

The application seeks consent to change the use of the existing agricultural barn. The front of the barn has been constructed with concrete block walls to the lower walls and the upper walls are constructed with Yorkshire boarding; the rear is entirely made up of blockwork; there is a corrugated roof with rooflights. There have been no external alterations to the existing barn, and the internal layout has been altered to create four stables. The building is part of a group and was already existing. The visual impact is minimal and does not impact on any neighbouring properties. The front elevation of the barn can be seen from the narrow lane but is viewed as part of the group. It is therefore considered that the change of use of the existing barn into stables is acceptable and in accordance with Policies DES1 and EP1 of the Monmouthshire Local Development Plan.

5.2 Residential Amenity

It is considered that the change of use of the barn will not harm any neighbouring properties as it is well screened on site by other barns and the dwelling. The proposal is only a minor form of development and it is felt that the proposal would not have a detrimental impact on the locality or any neighbour amenity. Thus, it would be in accordance with Policies EP1 and DES1 of the Monmouthshire Local Development Plan.

There have been no objections to this proposal.

6.0 RECOMMENDATION: APPROVE

Conditions

1	The development shall be carried out in accordance with the list of approved plans set out in the table below
2	Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no additional lighting or lighting fixtures shall be attached to or be positioned in the building so as to illuminate its elevations.

DC/2016/00804

ERECTION OF A TWO-STOREY, DETACHED HOUSE WITH ASSOCIATED CAR PARKING IN PART OF THE GARDEN.

17 BULWARK AVENUE, BULWARK, CHEPSTOW

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones
Registered: 22nd July 2016

1.0 APPLICATION DETAILS

- 1.1 This application site is located within the residential curtilage of an existing dwelling that fronts onto Alexandra Road within the Bulwark area.
- 1.2 Outline permission (appearance, landscape and layout are reserved matters) is sought for a single, detached two storey dwelling. It would be sited to the east of the existing dwelling and would provide three off street parking spaces. Scale parameters proposed would show maximum dimensions of 8m in height, 6m in depth and 9.3m in width.

2.0 PLANNING HISTORY

DC/1986/00226 – Proposed House and Garage & Access to Rear.
Refused 07/08/1986

DC/1982/00038 – Erect A House & Garage.
Refused 14/04/1982

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

H1 Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
EP1 Amenity and Environmental Protection
DES1 General Design Considerations
MV1 Proposed Developments and Highway Considerations

Supplementary Planning Guidance

Monmouthshire Local Development Plan Affordable Housing – March 2016.

4.0 REPRESENTATIONS

4.1 Consultations responses

Chepstow Town Council – Recommend approval.

MCC Highway Officer – Has not responded to date.

Dwr Cymru - Welsh Water - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. We would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

4.2 Neighbour Notification:

Five objections have been received raising the following areas of concern:

- Adversely impact on open outlook.
- Obtrusive form of development.
- Noise and dust caused during building works.
- Insufficient garden/amenity area.
- Planning on site previously refused.
- Building is too close to adjoining property, 15 Bulwark Avenue.
- The building would be in conflict with the existing development of the old Bulwark estate in construction method and by being a detached property in an estate of small terraces.
- The drive entrance would remove parking spaces in an already busy street.
- Overlooking and loss of privacy.
- The plot is neither brownfield nor development land it is land used for domestic purposes, use for building in this manner must be problematic.

5.0 ISSUES AND EVALUATION

Principle of Development
Affordable housing
Visual amenity
Neighbour amenity
Access/Parking

5.1 Principle of Development

5.1.1 The application site is located within the Chepstow development boundary within which new build residential development will be permitted subject to detailed planning considerations and other policies of the LDP that seek to protect existing retail, employment and community uses.

5.1.2 However, as detailed in section 2.0 of this report planning permission has twice been refused on the site for a single dwelling in the 1980s. The applications were refused on the grounds of inadequate plot size (depth), harmful to residential amenity and also unacceptable siting and design.

5.1.3 The plot depth is larger than that refused in 1982 which concluded that it would result in a substandard form of development. However, the revised application would also have a smaller footprint and therefore afford the new dwelling greater amenity space.

Plot sizes within the vicinity vary in size and shape and it not considered on balance that a dwelling of the proportions proposed would appear alien or cramped. Current planning considerations should recognise that not all occupiers desire larger gardens and that in this instance the garden size proposed, and that remaining for the existing dwelling, would be acceptable. Issues of residential amenity and layout and design are addressed in the following sections of this report.

5.2 Affordable housing

5.2.1 On 1st April 2016 the Council adopted Supplementary Planning Guidance (SPG) in respect of Affordable Housing. As the application was received and valid after this date then the requirements are applicable. The capacity of the development site is below the threshold of 5 dwellings therefore a financial contribution towards affordable housing in the local planning authority area will be required. This is to be secured through a Section 106 agreement.

5.3 Impact on visual amenity

5.3.1 It is noted that the immediate properties are primarily either semi-detached or small terraces of three. Whilst the proposed single dwelling would depart from this, it would occupy a clear gap in the street scene and as such it is not considered that it would cause unacceptable harm to the amenity of the area.

5.3.2 The appearance of the dwelling is a reserved matter, however indicative drawings show a hipped roof form which would assist with its integration into the street scene.

5.4 Neighbour Amenity

5.4.1 The position of windows would be considered at the reserved matters stage, but it is anticipated that the dwelling would have a single aspect with clear first floor windows to the front elevation. There is the potential to position non-habitable room windows such as those serving a landing or a bathroom (which would be obscure glazed) on other elevations such as the rear. Owing to the orientation of the dwellings it is not considered that a dwelling in this location would be overbearing to any of the surrounding properties. It would be positioned in excess of 15m to the rear of the existing dwelling, No 17, which is considered to be sufficient given the residential context so as to not be obtrusive. It would be positioned gable to gable with the nearest neighbouring dwelling at a distance of approximately 6.5m, however again this would not cause unacceptable harm to the amenity of the occupiers of No 1 Alexandra Road.

5.5 Access / Parking

5.5.1 The proposed dwelling would be served by three off street parking spaces which is the maximum required under current parking standards; these would be accessed immediately off Alexandra Road. The site does not provide a turning facility to ensure that vehicles would be able to leave the site in a forward gear, but visibility from the site is such that it is not considered that this would cause unacceptable harm to highway safety.

5.5.2 Concerns have been raised by residents who currently park on street along Alexandra Road directly in front of the application site. However, this area does not form part of the neighbouring dwellings' formal parking arrangements. The proposal would provide the necessary off street parking provision and therefore it is not considered that it would exacerbate existing issues of parking in the locality.

5.6 Response to Objections Received

- 5.6.1 A number of the concerns raised from third parties, summarised in section 4.2 above, have already been addressed elsewhere in this report. Other areas of concern relate to issues of disturbance created by noise and dust during construction. Unfortunately this is not a material planning consideration that could be mitigated through planning condition.

6.0 RECOMMENDATION: APPROVE subject to Section 106 Agreement, with Heads of Terms below:

- **Financial contribution towards affordable housing in the local area**

Conditions

1. Approval of the details of the appearance and layout of the dwelling and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority prior to any works commencing on site.
2. a) Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(b) The development hereby approved must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. The development shall be carried out in accordance with the list of approved plans set out in the table below.
3. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
4. Notwithstanding the provisions of Article 3, schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed without the prior written approval of the Local Planning Authority.
5. Notwithstanding the provisions of Article 3, schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

Informative

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry

Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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